HUMAN RIGHTS AND DEMOCRACY IN KYRGYZSTAN

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HUMAN RIGHTS AND DEMOCRACY IN KYRGYZSTAN

DECEMBER 12, 2001

COMMISSIONERS

PAGE

Hon. Christopher H. Smith, Co-Chairman, Commission on Security and Cooperation in Europe 1
Hon. Joseph R. Pitts, Commissioner 3

WITNESSES

Testimony of Amb. Lynn Pascoe, Deputy Assistant Secretary for European and Eurasian Affairs, U.S. Department of State 4
Testimony of Amb. Baktybek Abdrisaev, Kyrgyz Ambassador to the United States 13
Testimony of Naila Kulova, Wife of Felix Kulov 22
Testimony of Dr. Martha Olcott, Senior Associate, Carnegie Endowment for International Peace 23
Testimony of Natalya Ablova, Director, Bureau on Human Rights and Rule of Law, Bishkek, Kyrgyzstan 26

APPENDICES

Prepared Statement of Hon. Joseph R. Pitts 35
Prepared Submission of Amb. Lynn Pascoe 36
Prepared Statement of Amb. Baktybek Abdrisaev 41
Letter from Amb. Babytek Abdrisaev to Mr. Christopher Smith, Dated January 31, 2002 45
Prepared Statement of Dr. Martha Brill Olcott 58
Prepared Statement of Naila Kulova 57
Prepared Statement of Anara Mambetova-Finkelstein, Cousin of Felix Kulov 59
Submission of Anara Mambetova-Finkelstein, ... 61
Submission of the People's Congress of Kyrgyzstan 68
Submission of Urmat Sovetov, Member, "Ar-Namys" 70

HUMAN RIGHTS AND DEMOCRACY IN KYRGYZSTAN

TUESDAY, DECEMBER 12, 2001

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The Commission met in Room 334, Rayburn House Office Building, Washington, DC, at 2:00 p.m., the Honorable Christopher H. Smith, Co-Chairman, presiding.

Commissioners present: the Honorable Christopher H. Smith, Co-Chairman; the Honorable Robert B. Aderholt, Commissioner; the Honorable Benjamin L. Cardin, Commissioner; the Honorable Joseph R. Pitts, Commissioner.

Witnesses present: Amb. B. Lynn Pascoe, Deputy Assistant Secretary for European Affairs, U.S. Department of State; Amb. Baktybek Abdrisaev, Kyrgyzstan's Ambassador to the United States; Naila Kulova, wife of Felix Kulov; Dr. Martha Olcott, Senior Associate, Carnegie Endowment for International Peace; Natalia Ablova, Director, Bureau of Human Rights and Rule of Law, Bishkek, Kyrgyzstan.

OPENING STATEMENT OF HON. CHRISTOPHER H. SMITH, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. SMITH. The Commission will come to order. Ladies and gentlemen, I would like to welcome you to this hearing on democratization and human rights in Kyrgyzstan.

Our Chairman, Senator Campbell, couldn't be here today. He is sick. However, he wanted to convey his deep concern about issues in Kyrgyzstan, and without objection, his statement will be made a part of the record.

This is the latest in a series of hearings the Helsinki Commission has held on Central Asia. In May 1999, we examined the political and human rights situation in Kazakhstan. In October 1999, we turned our attention to Uzbekistan, and in March 2000, we held a hearing on Turkmenistan.

We have been planning for sometime to hold this hearing on Kyrgyzstan, one of the less well-known new states in Central Asia. Since September 11 and the commencement of U.S. military action in Afghanistan, even Americans unfamiliar with this region have learned more about the "-stans" than they probably knew in the previous 10 years of these countries' independent existence.

Unfortunately, the trend lines in these states have been extremely disappointing. After a relatively brief period of hopefulness in the early 1990s, most analysts have concluded that Central Asia has become a black hole of human rights. "Super presidents" determined to remain in power indefinitely now dominate their political systems, resorting to any means necessary to eliminate political opponents, intimidate political opposition (where it is tolerated at all), and muzzle the press.

In that connection, since disappointment is a function of expectations, I think it would be fair to say that Kyrgyzstan, under the leadership of Askar Akayev, is the most disappointing country in the former USSR. For years, Kyrgyzstan was considered the most democratic country in Central Asia. At one point, President Clinton's Deputy Secretary of State, Strobe Talbott, even called Akayev, "the Thomas Jefferson of Central Asia."

Today, nobody would use such language. Indeed, Kyrgyzstan, after this promising beginning, has followed paths blazed by neighboring countries. Presidential and parliamentary elections have been rigged. After last year's parliamentary election, the OSCE's Office for Democratic Institutions and Human Rights [ODIHR] openly questioned the results in the district where President Akayev's leading rival, Felix Kulov, ran, and concluded that the authorities had stolen his victory.

OSCE Secretary General Jan Kubis said, while visiting Bishkek after the second round, that the election was a blemish on the reputation of the government, as well as on the president.

Mr. Kulov was subsequently arrested, as we know, for embezzlement and abusing his authority when he was the Minister of Internal Affairs. After 5 months in jail, he was tried in a closed military court in August 2000. To everyone's astonishment, he was acquitted, but the prosecutor appealed Kulov's acquittal, and in January 2001 he was convicted and sentenced to 7 years. He still sits in jail today, and Amnesty International considers him to be a political prisoner.

Apart from the removal of potential rivals from the political arena, Kyrgyzstan's authorities have carried out a severe crackdown on the media. In the last few years, almost all of the opposition and independent newspapers have been forced to close after losing lawsuits when officials accused of corruption launched slander cases against media outlets and judges, to nobody's surprise, ruled in favor of the plaintiff.

This method is also employed both at the central and local levels. We are aware of several cases outside the capital city of Bishkek where journalists who tried to investigate official corruption have been accused of some crime and have been incarcerated.

Nor have human rights groups been immune. The Kyrgyz Committee for Human Rights has been targeted for years, and its leader, Ramazan Dyryldaev, has been forced into exile since July 2000 for fear that he would be found guilty in a highly dubious criminal court case.

These are serious concerns. But I am particularly worried about the possibility that in our understandable rush to cooperate with these regimes on combating international terrorism, we will overlook or perhaps de-emphasize human rights.

True, the Bush administration has promised that this won't happen. National Security Advisor Condoleezza Rice has said, "We are not going to stop talking about the things that matter to us, human rights, religious freedom and so forth. We are going to continue to press those things. We would not be America if we did not."

Still, I have seen in China, and especially with Vietnam, most recently with the bilateral trade agreement, how the human rights agenda often takes a back seat to geopolitical considerations and to economics. I certainly hope that won't happen in Central Asia.

I look forward to hearing from our witnesses today and welcome their ideas about how best to match American rhetoric about human rights with concrete policies. I am especially interested in hearing, as we all

are on the Commission, from the Department of State how the cause for human rights has been advanced by the Secretary's recent visit to the region, and what the Department is planning to do now.

I would like to yield to my distinguished colleague from Pennsylvania, a fellow Commissioner, Joe Pitts, who has been a champion of human rights, particularly in the area of religious freedom.

Mr. Pitts?

Mr. PITTS. Thank you, Mr. Chairman. I would like to submit my entire statement for the record.

Mr. SMITH. Without objection so.

OPENING STATEMENT OF HON. JOSEPH R. PITTS, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. PITTS. I would like to make a couple of comments.

First, thank you, Mr. Chairman, for this important hearing on human rights and democracy in Kyrgyzstan. Over the past 3 months, as the United States has led the war against terrorism, the importance of Central Asia to U.S. national security and to regional stability has come into a sharp focus.

As Central Asian states, such as the Kyrgyz Republic, celebrate 10 years of independence, it is good for us to look at the progress they have made and the challenges that they face. It is no secret that economic prosperity, the growth of democracy, and the establishment of the rule of law are essential for the stability of the region.

To ensure this, it is necessary for the United States to actively engage this region. We must work with leaders in these countries and build bridges to them, both economically and politically. We must let them know that the United States is not going to turn a blind eye to the region. This is one reason, Mr. Chairman, that I, along with Senator Brownback and other colleagues, have started the Silk Road Caucus—to engage these nations on a monthly basis in various types of meetings. That is why we are here today, to engage this region, to engage Kyrgyzstan and to have an open dialogue on freedom and democracy.

I look forward to hearing from our witnesses this afternoon, especially my good friend, Ambassador Abdrisaev. I look forward to hearing how the United States can best encourage economic development in the region, how the United States can better work with Kyrgyzstan to stem the growth of Islamic extremism that threatens its borders and its security, and what role Kyrgyzstan can play as a leader of freedom and democracy in the region.

We must be vigilant in protecting human rights around the world, but if we do not engage countries wisely, particularly in Central Asia, our efforts will be counterproductive. By positively engaging countries, such as Kyrgyzstan, working together on shared interests, and encouraging leadership that leads to prosperity, we will be able to more effectively address, throughout the region, the concerns that we've mentioned.

Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. SMITH. Thank you very much, Mr. Pitts. Before introducing our first witness, I would like to note that Naila Kulova and Marsel Kulov, the wife and the brother of Felix, are here today to observe this proceeding and will be submitting some comments for the record.

I would like to introduce our first panelist, Lynn Pascoe, Deputy Assistant Secretary of State for European and Eurasian Affairs. A career minister in the senior Foreign Service, Mr. Pascoe was most recently U.S. ambassador to Malaysia and was previously the U.S. special negotiator for the Nagorno-Karabakh and regional conflicts, and the U.S. co-chair of the OSCE's Minsk Group. Ambassador Pascoe's other postings have included Moscow and Beijing.

I would note for the record that our fellow Commissioner, Assistant Secretary Lorne Craner, the Assistant Secretary of State for Democracy, Human Rights and Labor, was hoping to testify. We will leave the record open if he would like to submit some comments. He will be missed today.

I would ask Secretary Pascoe if he would come to the witness table.

TESTIMONY OF AMB. LYNN PASCOE, DEPUTY ASSISTANT SECRETARY FOR EUROPEAN AND EURASIAN AFFAIRS, U.S. DEPARTMENT OF STATE

Amb PASCOE. Thank you very much, Mr. Congressman. I really appreciate you having this hearing today. I'm a great fan of the Commission, as some of you know from my earlier incarnations. I also have to tell you that I think the quality of the work of the Commission staff is so high that one of the first things I did in my reading for this job was to make sure I went to the CSCE web site and looked up the pieces so I really do believe it does an extremely good job and good work.

Mr. Chairman, it's an honor to represent the Administration before this Commission to discuss recent developments in Kyrgyzstan and U.S. interests there.

The Secretary just returned from a trip that included stops in Central Asia to express American appreciation for the Central Asian states' ongoing critical support to Operating Enduring Freedom. He also took the opportunity to explore other areas of common interest, including economic cooperation, the development of civil society and human rights, humanitarian relief, and Caspian energy. The Secretary had planned to visit Kyrgyzstan as part of the trip to thank President Akayev and the Kyrgyz people for the overwhelming support offered this week by their Parliament to make Kyrgyzstan's airport facilities available for use by coalition forces, and the other support that they have offered.

He also intended to discuss counterterrorism cooperation, regional issue, and progress on Kyrgyz efforts to promote further democratic reform. Unfortunately, as I think everyone knows, his stopover on Saturday was cancelled at the last minute when bad weather closed the Bishkek airport. He did, however, talk with President Akayev by telephone.

It is true that Kyrgyzstan, which was once the standard bearer for reform in Central Asia, has slipped backward. Presidential and parliamentary elections have been seriously flawed, but the level of democratization since independence, compared with other Central Asian states, is nonetheless impressive. Earlier this year, President Akayev announced that he would step down when he completes his third term in 2005. We hope that the presidential election to choose his successor will mark the first democratic succession of power in Central Asia.

During the year 2000, both presidential and parliamentary elections were marred by irregularities. President Akayev was elected to a third term in an election that did not meet international standards for demo-

cratic elections. Restrictions on the registration of candidates, intervention by local officials, and harassment of opposition candidates' activities negatively influenced the fairness of the campaign.

In the February and March 2000 parliamentary elections, the opposition party of Felix Kulov, the former vice president, was excluded, along with several others, from the elections on technical grounds. Kulov himself was allowed to run, but he was subjected to intense political pressure by the Government of the Kyrgyz Republic, including the opening of an investigation of him. After being acquitted, Kulov was tried again in January of this year and, as you pointed out, sentenced to 7 years. On the plus side, I must say, the imprisoned opposition leader Tolchubek Turgunaliyev received a presidential pardon and has since returned to opposition politics.

Despite these problems, the Parliament has again developed some real independence; initiated its own legislation; and on several notable occasions, overrode presidential vetoes in defense of its own legislative priorities. In the past, the Parliament and the president have worked together to pass significant reforms in the criminal, civil, and commercial codes and to begin the process of privatizing state industry and state-owned commercial enterprises. Recently, Parliament has proposed legislation to create an ombudsman, decriminalize libel, and reform the educational system. If enacted and implemented, these bills could help get Kyrgyzstan moving in the right direction again.

Independent media outlets have developed since 1991, including television, radio, newspapers, periodicals and internet providers. However, there have been serious problems in this area as well. Government harassment against the opposition Kyrgyz-language newspaper *Asaba* is a case in point. The paper was subjected to pressure and intimidation shortly after the newspaper's owner declared his candidacy to run in the presidential election in 2000. In April of this year, the newspaper closed. It reopened in October under new management with ties to the government. In the meantime, much of the original staff had left to join the independent newspaper, *Res Publica*.

In April, the Ministry of Justice cited an excess of outdated registrations to require media outlets throughout the Kyrgyz Republic to reregister. To the government's credit, by October, 65 media outlets had successfully re-registered. Then in June, the Ministry cancelled the registration of 16 new media outlets, but they were successfully registered by November l. I think the basic hope for the Kyrgyz Republic is its well-educated and politically involved population.

Kyrgyzstan's early record of economic reform also stands out among countries in transition. Despite the limits of its exploitable natural resources, Kyrgyzstan managed to attract private investors from U.S. and other western corporations by improving its investment climate and working toward a modern regulatory structure. The government achieved real progress on agrarian reform and the privatization of state-owned enterprises.

The private sector has grown, although the lack of resources and capital funds limited the scale of private enterprises. By 1998, Kyrgyzstan had achieved significant economic growth rates and was on the verge of a breakthrough in market reform. Kyrgyzstan's accession in December 1998 to the World Trade Organization was a testament to its progress.

Unfortunately, Kyrgyzstan was particularly vulnerable to the disastrous 1998 Russian financial crisis. Russia had been the country's number one trading partner, which accounted for nearly half its total trade. Armed incursions in the south by radical Islamic rebels in 1999 and 2000 created a security crisis that also exerted severe pressure on the budget. Whether in reaction to these factors or not, the Government of Kyrgyzstan discontinued many of its economic reforms, and in some cases actually reversed previously implemented steps on privatization and market liberalization.

Today, I would say, the economic situation in Kyrgyzstan is serious, but it's not desperate. The government figures show a growth rate of more than 6 percent. Foreign debt payments are a crushing burden, however, that cripple its efforts to improve health, education, and defense.

On the positive side, the Kyrgyz Government and the World Bank developed and are implementing a comprehensive strategy aimed at reducing poverty and generating growth. On November 30, the IMF Board approved Kyrgyzstan's New Poverty Reduction and Growth Facility. Under this program, the IMF has identified a need for Paris Club debt relief. The government has also sought to improve the investment climate by cutting red tape and passing new legislation, as well as by creating an investment roundtable to promote new ideas to attracting FDI into Kyrgyzstan.

Since September 11, the United States has received an unprecedented level of support and cooperation from Kyrgyzstan and our other Central Asian partners. The Kyrgyz legislature this week formally agreed to the stationing of American and allied forces at Manas airport—this is the main civilian airport of Bishkek—for military and humanitarian actions in Afghanistan. The stakes are undeniably high in Central Asia.

We rely on the Kyrgyz and other governments for the security and well-being of our troops and for vital information that has allowed us to conduct such an effective campaign as we have in Afghanistan. The frontline states of the region also provide a critical humanitarian corridor for food and emergency supplies that can save the lives of thousands and thousands of desperate people living in northern Afghanistan this winter.

We have told President Akayev and other Central Asian leaders that America does not forget those who have stood by us during this time of trial. After this conflict is over, and our troops have come home, we will not walk away from Central Asia, and certainly not from Kyrgyzstan. We are committed to a deeper, more sustained, and better-coordinated engagement with the region on a broad range of issues. We want these countries to be firmly on the path to full participation in the modern community of nations. The foundation of our policy continues to be the principle that political and economic reform is the only path to long-term stability and prosperity.

Indeed, without human rights, free elections, religious freedom, open markets and foreign investment, there can be no long-term stability because the people of Central Asia will demand the economic prosperity and personal liberties to which they are entitled. We are committed to developing the resources, the high-level attention, and the multinational coordination to support reform opportunities in Kyrgyzstan. We want to stand by the Kyrgyz in their struggle to change their society in the

same way they have stood by us in the war on terrorism. We are ready to explore new areas of assistance, but it must be accompanied by demonstrated, concrete steps toward reform.

We shall reinforce our assistance for a civil society, especially the independent media, nongovernmental organizations, and fundamental political reform. We are also focusing our assistance on programs that seek to educate and inspire the next generation of leaders in Kyrgyzstan. You know these initiatives well.

They include the high school-level FLEX program, the university-level Freedom Support Act program, the graduate-level Muskie program, the Fulbright scholars program, the IREX professional exchange program and the Peace Corps. Dollar-for-dollar these have been our most important investments in the region. We want to broaden these programs, and we will need increased financial and human resources to do so.

In addition to helping Kyrgyzstan become stable and prosperous, we have a significant U.S. national interest in preventing the spread of international terrorism. The terrorist threat that developed in Afghanistan reinforces our view that underdevelopment and repressive, anti-democratic regimes provide a breeding ground for terrorism and Islamic extremism. We must ensure that other states in Central Asia do not replace Afghanistan in this role in the years ahead.

In accordance with our commitment to Kyrgyz sovereignty, stability, and territorial integrity, the U.S. has provided the Kyrgyz with customs and border guard training, anti-terrorism assistance, and communication, observation and detection equipment. These programs have been well received and have served to develop the basis of cooperation for our current joint efforts in Operation Enduring Freedom.

So, in conclusion, let me say that Kyrgyzstan has just marked its first decade as a sovereign state. Despite its many difficulties, Kyrgyzstan has made great strides. It has established peaceful relations with all of its neighbors and become a member of the Organization for Security and Cooperation in Europe, the World Trade Organization, the Euro-Atlantic Partnership Council, and NATO's Partnership for Peace.

Now Kyrgyzstan is at a historical crossroads. The government's willingness to expand our cooperation presents a unique opportunity to improve our bilateral ties and for Kyrgyzstan to restore its reputation as a progressive country in Central Asia. We hope that Kyrgyzstan will develop into a fully-functioning free-market democracy and pursue the policies that will create robust and enduring partnerships with the United States and the community of democracies. We are working with Kyrgyzstan to promote a flourishing democracy and vibrant civil society, which will play key roles in economic prosperity and future stability.

Congress, and in particular this Commission, will play a vital role in this effort. The Administration wants to work closely with you on new ideas for programs as well as the funds to implement them. We need to support each other's messages in Kyrgyzstan and the region. For all of this, I am particularly grateful for your invitation to be here with you today.

Thank you very much.

Mr. SMITH. Mr. Pascoe, thank you very much for your testimony and for your fine work.

I share your strong endorsement of our Helsinki Commission staff. I have been on the Commission for 19 of my 21 years as a Member of Congress, and have been very much impressed over these years with not just the level of commitment and competency, but that many members of our staff, like Michael Ochs and Dorothy Taft and Ron McNamara, are walking institutional memories not just about the OSCE process, but about the very countries that they deal with. So I appreciate your comments about our staff, because they really are the best.

Amb PASCOE. I agree with you completely on that, Congressman.

Mr. SMITH. Thank you.

Let me ask you a couple of questions, and I will yield to my good friend and colleague, Mr. Pitts.

As you know, next week there will be a U.N.–OSCE conference on enhancing security and stability in Central Asia, strengthening comprehensive efforts to counter terrorism; this was a Kyrgyzstan initiative. Several weeks back, some of us were even looking at the possibility of going to Kyrgystan and participating in the conference.

Could you tell us who will be heading that delegation, and, most importantly ,where will human rights fit into the equation? I know the conference is about global terrorism so that's going to be the core issue discussed. Nevertheless, it seems to me that human rights is not an ancillary issue and is core to security and stability as well. Will that be raised and how?

Amb. PASCOE. Yes, I'm sure it will, sir. The head of our delegation will be our new and very capable Ambassador to the OSCE, Ambassador Minikes, who is just going out there. This will probably be his first effort in the job. I'm sure he will maintain all sides of the OSCE mandate.

He will be accompanied by a Deputy Assistant Secretary and another official from our counter-terrorism office.

One point about this I should mention we have been pressing: At one point it looked like Uzbekistan was not going to go to the meeting, and we strongly encouraged them to go. They have decided to go. So we are very pleased with that because we think these kinds of meetings are important. Of course, at the core, if these places are to be successful and develop, there has got to be regional cooperation.

Mr. SMITH. Thank you, Ambassador Pascoe. Could you keep us informed about the nature of the human rights issues raised, what the context is?

Amb. PASCOE. I would be delighted to.

Mr. SMITH. I hope it's not seen as an asterisk or, you know, a sub issue.

As I said at the outset, and I know you know this issue very well, many of us—I mentioned Amnesty International—believe Felix Kulov to be a political prisoner. What is the view of the State Department as to his status? Does his case constitute that of a political prisoner? What are we doing to try to secure his release?

Amb. PASCOE. Yes. Certainly the embassy has been working very hard on this, sir, to see what we can do. I can assure you of this without breaking too many confidences: it was certainly on the Secretary's mind, and he was planning to raise it when he got to Bishkek. Unfortunately, that opportunity was lost, so we will follow up in some other appropriate fashion for him to make that point.

I didn't disagree with your summation, I thought it was a very good one on this. Clearly, having a major political figure like this in jail for years makes no sense at all, and we have been strongly urging the Government of the Kyrgyz Republic to release him right away.

Mr. SMITH. Thank you. You know, I also mentioned in my opening comments how Strobe Talbott had referred to President Akayev as "The Thomas Jefferson of Central Asia, " and how we all wish that were so, and maybe it still is a possibility going forward. What did you think of that comment when you heard it? How would you characterize the president now?

Amb. PASCOE. Well, Strobe made that comment many years ago, so I'm not sure what he would say about it now.

However, I had a very good conversation with President Akayev, about 4 weeks ago when I was there, and certainly among the discussion of all the issues that I raised with him, one was the whole question of human rights and the development of democracy.

I'll go back to the point you made: I can tell you from the State Department's point of view, the rule of law, democracy, and human rights are certainly not an asterisk on our policy in Central Asia. It has been very much up there in our policy goals, and it will continue to be very much up there.

In fact, when the Secretary raised it repeatedly in his discussion in both Uzbekistan and Kazakhstan, people came back and said, yes, we understand, we know you're going to keep pressing us on these issues. In fact, it's right, keep pressing us on the issues. We certainly will be. That you should not be concerned about.

Mr. SMITH. Let me ask another question. I know that you and others are probably—and I think you've even made a public statement—looking at the possibility of raising the level of assistance to Kyrgyzstan. I did see a statement made by President Akayev, who, as we all know, is not an opposition player but part of the government. He described efforts by law enforcement bodies to counter corruption, smuggling and economic crime—and these are his words—"a total disaster."

He attributed that failure to the fact that most criminal groups have protectors within law enforcement bodies. He also claimed that the Interior and Justice Ministries arrest and imprison persons who have "stolen one chicken, " while failing to apprehend well-known criminals who robbed the country of $25 million.

The programs that you envision going forward, would they be addressing rule of law? Would they be an attempt to weed out this kind of corruption? I would note in passing that of the last three OSCE Parliamentary Assemblies I attended, one of those was almost exclusively dedicated to the issue of corruption as a prime hijacker of democracy. As the ideologies of communism abate, at least in that part of the world, and especially in Central and Eastern Europe, corruption becomes the prime risk to democracy. It seems that Kyrgyzstan, in like manner, suffers from that.

Amb. PASCOE. Let me say again Mr. Congressman, I couldn't agree with you more on the cancer that corruption is in this part of the world. We raise it in every conversation, in two or three different ways.

One way beyond what you said, if I might add to it a bit, is that it makes for a terribly inefficient economic system, and it ensures these countries can never really compete on the world scene. To become mod-

ern, effective countries and governments, they must deal, and deal very seriously, with this problem. Otherwise it undermines everything they try to do in the world.

On our programs specifically: we have several focused on rule of law, on some basic things as how you account for money and how it works. There's a whole range of programs we have been trying to do our best to increase awareness of the importance of civil society. I must say one reason in Kyrgyzstan that is interesting, where you hear much more about corruption than any place else around, is because the effectiveness of civil society there. The media does complain and the ones that have been shut down have usually been over corruption stories.

In addition, we have long since learned not to hand over sums of money, as you can well imagine. We bankroll programs designed to train, change, and to promote modern directions of the government. The only area I think that's an exception to that, would be some of the small micro loans which are very small amounts of money which we do actually loan out the actual cash.

But we keep a very tight grip on the accounting system on all of our programs, sir, and I can assure you we are at least trying everything we can to be certain that none of our hard earned taxpayers' money goes into corruption.

Mr. SMITH. Thank you, Mr. Secretary.

I yield to Commissioner Pitts.

Mr. PITTS. Thank you, Mr. Chairman.

Mr. Secretary, I didn't catch whether you said that you had specific human rights issues or cases that you're planning to raise with the authorities if Secretary Powell would have been able to go on the trip, rather than cancel due to bad weather. Were there specific cases and specific human rights issues that you were going to raise?

Amb. PASCOE. He was going to raise several human rights issues but among them was Mr. Kulov's case, sir.

Mr. PITTS. What is the U.S. Government doing to aid Kyrgyzstan in promoting religious freedom, so that it does not adopt the egregious practices existing in some of its neighbors? Has the U.S. Government voiced concern over the draft law on religion, which, as you know, if implemented could provide more stringent requirements for religious groups and complicate the registration process?

Amb. PASCOE. Well, I do think that Kyrgyzstan is blessed by having a good internal religious situation. The various religions tend to get along quite well there and that's a big plus in their favor in society.

There has been some uneasiness about the question of militant Islam, and this subject was raised with me when I was there on several occasions. As you know, their most serious security problems of a few years ago were the IMU [Islamic Movement of Uzbekistan] incursions into Kyrgyzstan in the south, both in 1999 and the year 2000. So it's a matter of great concern to them.

On the question of the religion law: it is my understanding that it has been held up for public scrutiny. We certainly have looked at it. We have talked about it. I can assure you that our embassies around the world are trying to be very alert to this kind of legislation and are making our views and our suggestions well-known.

Mr. PITTS. We know of several cases in Kyrgyzstan, in Bishkek, where journalists who have tried to investigate official corruption have been accused of various crimes and incarcerated. What is the State Department doing to help resolve those cases?

Amb. PASCOE. Well, I think there are two things. First, let me say we have put much effort throughout the last decade into the question of media issues and trying to help develop a free media in Kyrgyzstan. I think that we have had some success in that area.

As I mentioned before, the one thing that seems to bring the authorities down on you harder as a journalist than anything else is the corruption issue. We have, of course followed all the cases closely. We have made our views well known on all of these issues. We also put much effort into promoting the rule of law which, from other jobs in my years in the foreign service, I find extremely valuable. We try to train judges, we try to work with lawyers, work with lawyer groups. I think over time this really does build a very valuable set of circumstances that can change old society and build a new civil society.

Mr. PITTS. We all know that a depressed economy leads to social unrest. Do you have any ideas of specific ways the United States should engage Kyrgyzstan on an economic level to bolster their economy? What kind of economic reforms must President Akayev undertake to improve the economy, to empower people, and bring change so the people experience it?

Amb. PASCOE. Yes, sir. The World Bank, IMF and other groups that are there have been looking at this issue at great length. We have been working with them in the financial area to look at their problems.

One thing that Secretary Powell accomplished in his brief conversation with President Akayev over the phone was to invite him to send a high-ranking economic delegation to the United States in the next couple of months, to go around to talk with everyone, and get a very thorough sense from Washington's point of view of the problems out there. We will make sure they have talked with the international financial institutions at great length and see out of that if we can form a more effective approach for the future.

This is one of the poorer countries in the region, sir, and I have been told that when you can buy a fighter for the IMU in the south, for $100, you've got to offer alternative means of employment for people. That's the kind of thing we want to work on.

Mr. PITTS. Finally, Mr. Secretary, I am concerned about the disparity in U.S. foreign assistance between Central Asian nations and other former Soviet Union nations. What can the State Department do to ensure more U.S. assistance reaches this important region of Central Asia, specifically Kyrgyzstan?

Amb. PASCOE. Well, Mr. Congressman, you can be sure we will be up here with some regularity asking for help on those kinds of issues. We did put a sizable chunk of money from the supplemental into the countries of the Central Asia region. They have earmarked $5.3 million, if I remember the number correctly, of that for Kyrgyzstan, much of it on border security and similar issues.

Nevertheless, it is our view that, over the next few years, we have no choice but to build the economies of this area, to work with the region so that the states can become viable economically, and to work together

for an open market structure. This was very much Secretary Powell's message when he was in the area, and it's one we'll be pushing very hard, sir.

Mr. PITTS. Thank you, Mr. Secretary. Thank you, Mr. Chairman.

Mr. SMITH. Commissioner Aderholt?

Mr. ADERHOLT. No questions.

Mr. SMITH. Commissioner Cardin?

Mr. CARDIN. No questions.

Mr. SMITH. Thank you. I want to ask one follow-up or final question. It's really about another country, but we'd appreciate if you could at least provide some insight.

I was amazed to learn last Thursday, right before Secretary Powell's arrival in Tashkent, that Uzbekistan plans to hold a referendum in January to extend the president's tenure in office from 5 to 7 years. The timing of that, the juxtaposition of the visit with that announcement—was there a message there? What was that all about?

Amb. PASCOE. Well, if there was a message there, it was responded to by very straight talk on the need for political reform and development—what needs to be done, how things have to move forward. I should add that while the Uzbek side said, yes, we agree with you totally on political reform, somehow the timetable seems to be a little different from what we had in mind.

It is our view that we have to have these reforms and things need to move quickly. We also have to build for the next generation, so the two have to go hand in hand.

Mr. SMITH. Mr. Secretary, is there anything else you'd like to add in your testimony before the Commission?

Amb. PASCOE. Could I say again thank you very much for holding these hearings. I think they are very timely and very important. We are going to be working hard together on Central Asia over the next weeks, months, and years, and we look forward to working closely with the Congress.

Mr. SMITH. I thank you. I thank you also for your very strong comments on Felix Kulov. I think the message needs to go forward to Kyrgyzstan that there is unity with the Congress and the executive branch regarding that kind of incarceration, and that our position is he ought to be freed. We thank you for your support for his case.

Amb. PASCOE. I look forward to hearing from my good friend the ambassador.

Mr. SMITH. Thank you. Before I invite the ambassador, I want to note that at the beginning of panel three we will be hearing from Naila Kulova. I wanted to mention this as this is a little break in what we had intended on doing. She is here. All of us who have wives, who have loved ones, can empathize. In my human rights work I often say, what would I want if I were a political prisoner, incarcerated, and my wife made an appeal to a political body or to a human rights organization on my behalf? I would hope that she would be welcomed with open arms and that she would at least be heard.

So I would ask my Commissioners for your consent. She is not on the agenda, but I would like, as we begin panel three, to invite her to say a few words on behalf of her husband and on behalf of the situation with regard to her husband.

Now I ask the ambassador, who was very kind enough to accept our invitation to be here, to come forward. Ambassador Abdrisaev, Ambassador to the United States from Kyrgyzstan, was born on April 17, 1958, in Bishkek. In 1980, he graduated from Bishkek Polytechnical Institute with a specialization on automatics and telemechanics. He was a junior scientific fellow at the Institute. He did post-graduate studies at the Institute in 1987 and was a senior scientific fellow at Bishkek Polytechnical Institute. He has an impressive resume.

On October 1, 1996, he became the ambassador to the United States and Canada, and he was a member of Kyrgyzstan's Parliament from 1996 until the year 2000. He is married and has two children, and he is very welcome before the Commission today. Mr. Ambassador.

TESTIMONY OF HIS EXCELLENCY AMB. BAKTYBEK ABDRISAEV, AMBASSADOR OF KYRGYZSTAN TO THE UNITED STATES

Amb. ABDRISAEV. Thank you very much, Mr. Chairman. I would like to say that the invitation for the testimony is really a great honor for my country and personally for me, so that's why this is really a great honor and privilege to be here and to offer such testimony.

Mr. Co-Chairman, Members of the Commission and participants at these hearings, I would like to express my gratitude, first, to the Members of the CSCE Commission for the opportunity to share a vision of my country about the security situation, democratic reforms and human rights in Kyrgyzstan. The tragic events of September 11 conclusively convinced the world community of the necessity of immediate joint efforts by all countries to declare war on this "plague of the 21st century"—international terrorism.

Since 1999, southern Kyrgyzstan has lived through attacks by Islamic insurgents connected to the Al Qaeda network and Osama Bin Laden in the Ferghana Valley. All this time we have been forced to pay attention and allocate resources to the fight against terrorism while continuing to work toward deepening reforms in our country. More than 50 of our people perished in this war. This is why Kyrgyzstan has repeatedly called for immediate, effective and coordinated measures on the national, regional and international scale toward the full annihilation of terrorism's very roots.

During the last several years, Kyrgyzstan has undertaken indispensable measures to ensure its national security. The borders are guarded by increasingly better-equipped military and security forces. At the last summit of the Shanghai Cooperation Organization, we initiated the creation of an anti-terrorist center dedicated to the prevention of and struggle against international terrorism.

Kyrgyzstan implemented necessary measures for enhancing its military security and a permanent rapid reaction force under the CIS collective security treaty has been operating in Kyrgyzstan. Kyrgyzstan receives significant assistance from the U.S. Department of Defense, ranging from military training of Kyrgyz special forces units in skills necessary to conduct operations in mountainous terrain to providing them with the necessary equipment to conduct their operations.

Our country is grateful to the U.S. Government for providing significant help during all this period in our fight against terrorism, drug trafficking and securing of our borders. Related to this issue, I would like to express my deep appreciation for the decisive and enthusiastic

support rendered to Kyrgyzstan in 1999 by a group of senators and, first of all, Members of the Helsinki Commission, Senators Sam Brownback and Gordon Smith, who helped to expedite the Pentagon's actions in assisting us during the crisis.

In the wake of the events of September 11, when the United States led the international coalition in the fight against terrorism, Kyrgyzstan expressed its readiness to take part in it and to cooperate in a number of areas. Along with the measures initially undertaken by the president of the Kyrgyz Republic, Dr. Akayev, was the granting of permission to use Kyrgyz airspace for U.S. military aircraft, participation in transporting humanitarian aid through Kyrgyzstan to Afghanistan, and cooperating in intelligence exchanges.

At present, both chambers of our Parliament ratified an agreement between our countries about the deployment of air assets of the coalition forces on Kyrgyz territory. Besides this, as a signatory of the Geneva Convention on Refugees, Kyrgyzstan has been traditionally ready to play an active role in this matter as well. I would like to remind you that there are currently about 20, 000 refugees from Afghanistan and Tajikistan on Kyrgyz soil—refugees we have been harboring for the past 5 years.

Mr. Co-Chairman, I believe that today's hearing before the Commission reflects new realities of the times where it becomes evident that the experience, abilities, and institutional potential of the OSCE will play a key role in the war on terrorism and strengthening the security in the Central Asian region.

Solving this problem has become the primary challenge for this region, due to the increased combined threat of international terrorism, religious and political extremism, organized crime, and narco-trafficking. Increased help from the OSCE for the countries of Central Asia and, in particular, Kyrgyzstan, in counteracting these growing threats, will constitute a significant contribution by the organization in strengthening regional security.

This is the goal of the OSCE conference initiated by Kyrgyzstan on the problems of extremism and terrorism which will start its work tomorrow in Bishkek, and we welcome participation of the representative of the CSCE Commission in the work of this important forum.

Invitations to this conference have been sent by the Minister of Foreign Affairs of the Kyrgyz Republic, Mr. Imanaliev, to the Co-Chairman of the CSCE Commission, Congressman Chris Smith and to Congressman Joe Pitts, Member of the Commission. We expect much from this conference which should facilitate the activation of regional and international cooperation in the fight with this evil.

In his speech before the Permanent Council of OSCE in Vienna in September of this year, President Akayev noted, and I would like to repeat, this long but important quote. "Afghanistan is the main source of regional terrorist threat. We currently face an increase in this threat with all its destabilizing by products. The Afghan situation should be of equal importance in the OSCE agenda as is the Balkan problem."

In this regard, I would like to remind you of one Kyrgyz initiative: As you may recall, during the Istanbul OSCE Summit, I proposed conducting a forum/dialogue between OSCE and the Islamic Conference Organization on issues of regional security. This initiative was supported at the OIC summit which took place in Qatar the previous year, where the decision was made to create an OIC working group to study this issue.

I believe that after this reaction, OIC and OSCE may take steps toward creating such a dialogue between these two authoritative organizations. Undoubtedly, the situation in Afghanistan and its neighboring areas should be the primary topic of discussion.

It is important to study the possibility of strengthening the role of the institute of the special representative of OSCE in Central Asia, expanding his duties in the framework of preventive diplomacy. It would also be useful to expand the practice of conducting regional round tables under the umbrella of OSCE with the purpose of studying the most pressing issues of regional security.

It is worth considering the idea of affording legal status to the OSCE to undertake more decisive measures and steps within the framework of the OSCE mandate in its three main missions—first of all in the issues of security. We believe that these proposals by the Kyrgyz President will be of interest to the OSCE and that we can count on your support.

Mr. Co-Chairman, the establishment of democracy, the rule of law, and defense of human rights are the fundamental and natural choices of Kyrgyzstan since the first days of its independence. Why natural? Let me illustrate with an example from our history: In 1995 in our country, under the aegis of UNESCO, we celebrated the 1000th anniversary of the epic poem *Manas*—about the legendary ancient hero who led the Kyrgyz in the fight for freedom. When we gave the *Manas* epic as a gift to several of our American friends, we were amazed that they discovered some fascinating historical facts which we took for granted, since it is part of our daily lives and culture.

To mention a few, they noted that free and open elections of our ancestors' leaders and of "*Beeys*, " or judges, took place in those ancient times. Of particular interest was the role of Kyrgyz women, and it is well known that they never, ever, covered their faces. A very famous part of our history is occupied by Kurmandzan Datka, a woman who lived in the last century, and who was elected by the nation above six other candidates—all men—to be the queen of Southern Kyrgyzstan. Thanks to her wisdom and foresight, she ruled for 50 years. What conclusion can we draw from this? Love of freedom and independence were the hallmarks of our nomadic peoples. These qualities are deeply rooted in our nation. We are currently trying to resurrect many of these attributes but it takes time.

This year, Kyrgyzstan celebrated its 10th anniversary of independence. These 10 years were marked by the building and strengthening of democratic institutions, and by attempts to establish the foundations of a civil society while conducting economic reforms. In the multinational country of Kyrgyzstan, ethnic and religious freedom is a fact.

The policy of "Kyrgyzstan Our Common Home, " pursued by the leadership of our country, became the solid basis for inter-ethnic tolerance. As a result, Kyrgyzstan has avoided international conflicts which, unfortunately, plague many other countries in the post-Soviet era.

At present, there exists in our country true political pluralism, freedom of expression, and more than 600 different print and electronic mass media resources, out of which only about 70 belong to the government. Political parties and more than 3,000 nongovernmental organizations function freely. Our government consistently pursues a policy of openness. Despite numerous threats to our security from various

extremist groups, all the conditions have been established for the free movement of our citizens—both internally as well as outside the borders of our country.

In this regard, I would like to thank many members of the U.S. Congress and Senator S. Brownback, Congressman Joe Pitts and Howard Berman in particular, who, noting this achievement, supported legislation providing to Kyrgyzstan "Permanent Normal Trade Relations" with the United States last year. We are grateful to the American Jewish community and Union Council of Soviet Jewry for the supporting of this particular legislation. Anyway, it was great support for our civil society and for our country, too.

From the moment of gaining its independence, the development of a modern telecommunications system became the priority of our country's strategic goals. This was done to allow our citizens to have unbounded capability to communicate with the outside world.

The Internet became a commonplace phenomenon for our society, which makes us a leading country in the post-Soviet era in this arena. Our country's leadership is committed to the education and development of our younger generation. As Thomas Jefferson once said, "Education is the key to unlock the golden door of freedom." Our youth has a great thirst for knowledge and information and a desire to understand and establish communications with the outside world. We are dedicated to realizing their dreams and truly unlocking this golden door to their freedom. In this regard, one of the most important achievements— and I would like to emphasize, also one of the largest and most significant investments from the United States to Kyrgyzstan—was the opening of the American University of Kyrgyzstan in our capital, which has become, through assistance of the Open Society of George Soros and the University of Indiana, one of the most popular educational institutions in the region.

The president of Kyrgyzstan, himself a learned scientist and scholar, personally supported in 1993, with U.S. Vice President Al Gore, the initiative for establishing this university with its independent structure, I would like to emphasize. We are also grateful for the support to American University of Kyrgyzstan from the Honorary Professor of the University, Helsinki Commission Member Senator Hillary Rodham Clinton.

During this period of building democracy, our Republic signed 23 international treaties and conventions on human rights, thus confirming its commitment to the primacy of universal democratic standards in this realm and to its effective cooperation with OSCE and the UN as well as with other international organizations in the area of human rights.

We continue to work on deepening the process of democratization, reforming the legislative system according to the norms of international law in the area of human rights and freedom, especially considering those mistakes and shortcomings which took place last year. To this end, the president issued a decree entitled "Measures of Strengthening the Effectiveness of Securing Human Rights and Freedom for the Citizens of the Kyrgyz Republic."

In relation to this decree, consistent work is underway to develop a new concept of formulating an independent and strong judicial system and law enforcement institutions, elevating the public's legal awareness, and strengthening lawfulness in the country.

Steps are being undertaken at the legislative level to insure guarantees of freedom of the press. For example, the Parliament is considering a draft law submitted by the government to create a human rights ombudsman which would facilitate the establishment of a balance of powers between the leadership and the citizens in issues of human rights. Roundtable discussions are conducted on a constant basis between officials and representatives of various political parties and nongovernmental organizations, at which both sides exchange ideas about actual problems concerning the nation's development, and where they work out practical solutions to realize the country's goals and visions. One of the realistic and effective steps toward decentralizing government became the introduction of local self-rule in all the rural areas of the country. This week, the first elections by popular vote of the leaders of local governments will take place.

Taking into account all these positive measures which attest to the long-term goals of reform in the country, I would like to mention that all of this has made been possible for our young democracy thanks to the help of the international community, and in particular, the United States of America. Our nation is grateful to the United States, which has been a true and consistent friend of our country, for far-reaching assistance which has constituted approximately $500 million of aid in these past 10 years.

Despite all the above-mentioned achievements in the realm of democracy and human rights, we must admit that not everything went as perfectly as desired. The road to building a democracy is a rocky one and we have been on that road for a mere 10 years. We have from the beginning, however, been dedicated to the ideals of democracy and human rights. We respect and appreciate constructive criticism issuing from human rights and nongovernmental organizations. I would like to underscore that the continuation of deepening the democratic reforms in Kyrgyzstan is not merely a reaction to criticism of human rights organizations, but rather is an indispensable need and irrevocable desire and will of our people.

Thank you very much for your kind attention, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Ambassador. You know, all of us do understand that it takes time to develop democracy and for it to evolve. You know, our democracy certainly didn't happen overnight either.

What has concerned so many of us has been the trend line, even in the area of media freedom, which you referenced. At first it seemed much more open—robust—only to move in the direction over the last 10 years of being more centrally controlled and censored. Trend lines do portend the future, and that's what we are so very concerned about. The great hope and expectation that all of us had in those first couple of years have been, unfortunately, shattered, but hope springs eternal. If the government wants to, and if it has the political will, it certainly can make reform a high priority.

You mentioned the draft law that you're working on with regard to human rights, i.e., a human rights ombudsman. Tell us briefly where that is in the process. I know that ODIHR has at least provided some insight. What kind of powers would it have? Would individuals bring complaints to the ombudsman? Would there be the protection of a complainant from retaliation against him or her or their organization? To have an effective office—unless it's going to be a ruse, which I hope it

will not be—there must be assurances of someone making a complaint without fear of getting that knock in the middle of the night. If you could respond?

Amb. ABDRISAEV. You know, about particular details of this law, we would provide any additional information because there are so many measures. Nevertheless, all of them we would like to do on the basis of the OSCE's standards and international conventions and legislation which is basic for the protection of human rights.

You know, frankly speaking, I would like to underline that now we have a really strong discussion in our Parliament how such kind of legislation has to be done truly to provide true human rights and democracy in our country. The final draft would be a result of such negotiations and really work in a democratic way in our Parliament. As Secretary Pascoe mentioned, we know that it would be really such a legislation would fit to all the norms and standards of OSCE, because the Parliament from that point of view is working really independently and strongly indicating their desire to do a document according to that.

But about all the details specifically, we will be glad to present any additional information.

Mr. SMITH. We would appreciate that. As soon as you could provide at least some of that, we could make it a part of the record.

Amb. ABDRISAEV. OK.

Mr. SMITH. Let me note in passing and for the record, that Secretary Pascoe has stayed on. I do chair the Veterans Affairs Committee as well, and normally after the administration gives their testimony, they are often out the door. I think that's a tribute to you, Mr. Ambassador. He wants to hear what you have to say and stay even more fully engaged at every venue possible.

So, Mr. Secretary, thank you for staying on to hear the ambassador's testimony.

Let me ask you about the OSCE report on the February 2000 parliamentary elections. I'm sure you've read it as we have. The report indicated there was a high level of political interference aimed at excluding particular political forces, and during the second round, there was clear evidence of systematic fraud committed by state and election authorities aimed at securing the defeat of Felix Kulov.

Why should we not believe that President Akayev is trying to remain in power indefinitely by prosecuting Felix Kulov only because he was a serious contender for president? We've had some reports that relatives of Mr. Kulov have at times not been allowed to visit him at jail; perhaps you can tell us if that's true or not. We have also heard that Mr. Kulov's relatives have been dismissed from their jobs. Perhaps you can tell us if that is true as well.

Finally, when Foreign Minister Imanaliyev was in Washington, you might recall, I met with him, and I raised the issue of Felix Kulov. He led me to believe that the situation was soon to be resolved. I took that to mean that Kulov was soon going to be released. Could you shed some additional light on that? Is the 7–year sentence going to hold? You've got to know how importantly we view this case as portending the future, one way or the other, for your country.

Of course, you can dismiss it and say, "Who are we to interfere?" But these are internationally-recognized human rights matters. Our hope is that there will be no political prisoners in your country.

Amb. ABDRISAEV. Thank you very much for your question, Mr. Co-Chairman. Let me respond maybe from the final point, start with the final question. During the visit of Minister Imanaliyev, I was also really honored to take part and I remember that the Minister said in explanation of this fact that now we are at a stage when our judicial system is working on a procedure in connection with the case of Felix Kulov.

It is my understanding that it is not yet finished. But, as in the case with Turgunaliyev, we know that the president has the power, has the mandate to make a decision about Felix Kulov because we know about the significance of this case and the attention from the world community and from international human rights organizations. Especially it is very important that our civil society and our people are also watching, so that's why I think that it will be done soon. But it all depends when our procedure will be finished, according to legislation, and from that point we would like to do it properly in this case.

This is about your question, and from that point also I would like to add that our embassy and the Department of State, all of us, are monitoring that case, and we are also informed about such attention, our capital, too.

Mr. SMITH. What about his relatives?

Amb. ABDRISAEV. Yes. About the first question, interference from governmental officials. You know, frankly speaking, yes, yes and on all levels. We have to all confirm that point, because this is a process where we are learning. It was, I think, the second elections. In 1995 we had the first, and perhaps during the first elections we also had as many irregularities, but, unfortunately, it was not recognized because the second time, we invited more than. 4,000 election monitors from international organizations. Our desire was to do be as open as possible. That's how we discovered so many irregularities. But I would say on various levels, as a result of the elections, the president made some measures, and especially dismissed several heads of the local administration; and the Prosecutor General, you know, was dismissed. This is a fact which is also very important to note, because it is not an easy decision.

But about Felix Kulov, again this is connected to your last question that, from that point of view, we think that after the finish of the whole procedure then will be a measure undertaken by our president. And, sorry, the second?

Mr. SMITH. That was about the family members and their lack of visits in the...

Amb. ABDRISAEV. You know that I think that we have such cases, and it is really for us a source of concern from the point of view of how to improve the system of penitentiary. You know, one measure which our president undertook recently, and the OSCE welcomed it, was that the whole penitentiary system was removed from the Minister of Internal Affairs and given to the Minister of Justice.

We hope that this is a first step in improvement of all such kind of regimen and provision of more openness, possibilities to do as in the democratic society.

Mr. SMITH. Mr. Ambassador, I'm sorry we have a vote. Nevertheless, I would like to yield to Commissioner Pitts and then ask Michael Ochs if he would continue the questioning. There are additional questions I would like to ask, but there is a series of votes, I believe.

Mr. PITTS. Yes, we have six votes.

Mr. SMITH. Six.

Mr. PITTS. Mr. Ambassador, I wanted to ask these questions, but maybe I could ask them and then we can go vote, but you can answer for the record.

One, what specific economic reforms are in place in the Kyrgyz Republic? What impact have they had on the economic condition of Kyrgyzstan? Two, how can the United States assist in improving the economic situation in Kyrgyzstan? Then, what assistance has the Kyrgyz Republic been providing to the coalition in the fight against terrorism, number one, and what can the United States do to help Kyrgyzstan in the fight against terrorism?

Amb. ABDRISAEV. Thank you for asking, Congressman.

You know that I especially on purpose didn't mention our economic reforms in my testimony, and this is one area where I think we made significant achievements, but also where we are facing serious problems. From the beginning, Kyrgyzstan defined such a course of cooperation with the international community and radical reforms in our economy and society, political reforms and parallel, based on the assistance from the international community.

From that point of view, Kyrgyzstan was one of the first to join, in 1993, the International Monetary Fund and also the World Bank and after that, as a result of other programs the Asian Development Bank and others. Kyrgyzstan was one of the first countries to introduce our own currency at that time. It was also significant—

But during recent years, we also made a lot of progress in the field of privatization, especially in industry and also in agriculture. In agriculture we have now made significant changes and real success because in 1992 we started reforms in agriculture, and just now we have witnessed the first results. It is really a fact which is proving how difficult it is to do.

Two years ago, our president introduced a measure connected with private ownership of land. Parliament objected and for 2 years there was a moratorium on such a measure. Now, this year, Parliament agreed with the president and the moratorium was removed and, as a result for example, this year we have 12 percent growth in agriculture, and agriculture is making now one-third of input for the growth of our GDP.

This year, we had a growth of GDP of 6.5 percent and a very low percentage of inflation, about 1.9 percent during the 10 months.

Nevertheless, the main problem for us is, first of all, external debt. From that point of view, we are really grateful for the United States and the international community for assisting us in finding the right solution, because, for example, this year we paid $35 million for our external debt, and there is real additional pressure with the necessity to increase our military budget, because before it was not such a pressing need.

I think we have to express our appreciation and gratitude to the United States for one of the greatest achievements: our accession to the World Trade Organization. It was not taken for granted. It was provided through the hard work of a year and a half. We achieved the result due to the hard work and pressure from the United State how to do properly changes in our tariff systems and many, many other areas.

Mr. SMITH. Thank you. Mr. Ambassador, let me ask you two quick questions, and we'd then like to submit some questions for the record, because, we have seven votes in total coming up right now.

When the foreign minister met with me, he said that Mr. Dyryldaev need not fear returning to Bishkek. Can you promise us that there would be no legal problems if he returns to Bishkek?

Amb. ABDRISAEV. You know, Mr. Chairman, again as a witness of your negotiations, I am ready to provide such guarantees. But recently I talked also to my colleagues that the Prosecutor General he is issuing such an order which is permitting for him without doubt to come back.

But they are saying that we have to issue order of their court. Anyway, we have to think how to do properly, to provide all kinds of guarantees for Mr. Dyryldaev and this case, you know, for our country it will be really significant, because we will have our opposition in our country. This is significant to have strong opposition in our country, not outsiders.

Mr. SMITH. Mr. Ambassador, we thank you for your testimony. We do have some questions we'd like to submit.

I would like to ask Dr. Michael Ochs of the Commission staff if he would ask one question. If I do not leave now I will miss the vote, and again, we will take a short recess and then reconvene for the third panel.

Mr. SMITH. Michael?

Dr. OCHS. Thank you.

Mr. Ambassador, when the Congressman asked you the question about the OSCE's report on the election, it was his impression that you basically acknowledged and agreed with what the OSCE reported, that there was systematic interference to keep Mr. Kulov from winning his seat in Parliament in February 2000.

He mentioned to me that had there not been such interference and Kulov had won his seat in Parliament, he might have had parliamentary immunity. In which case, if criminal charges were subsequently brought against him, he could not have been charged. Would that have been the case?

Amb. ABDRISAEV. You know, from that point of view, I would like to say that criminal charges against him were started before that case. The president, I think, made a decision. It was a decision to allow Mr. Kulov to take part in the elections. But because he was not elected, this case again was started. I think it was a sequence of events.

But if, for example, he was elected, yes our Members of Parliament have diplomatic immunity.

Mr. OCHS: So if the election had been fair, and he had won his seat, then it would not have been possible to prosecute him.

Amb. ABDRISAEV. In this case, yes.

Dr. OCHS: OK. Co-Chairman Smith thanks Ambassador Abdrisaev, of course, for his testimony. As he mentioned, he and all the other members have to go and vote. There are seven votes, I understand, which will take a little while. So he asked me to ask you if you would be willing to stay.

There will be a recess of 30 minutes or so, maybe a little bit longer. He apologizes for that and hopes that those of you who are here because you have a real interest in the subject will be able to remain.

Thank you very much.

[Recess.]

Mr. SMITH. I would like to ask Mrs. Kulova if she would proceed.

TESTIMONY OF NAILA KULOVA, WIFE OF FELIX KULOV

Ms. KULOVA [through interpreter]. Again, Mr. Chairman, dear members of this respectable Commission, first of all, I would like to thank you for convening these hearings. Secondly, I would like to thank you for giving me an opportunity to speak here.

My speech will be very short today because I didn't expect that such an opportunity would be given to me. There is one thought that I would like to present to this committee. I believe that my husband has been and remains to be one of the most respectable political figures in Kyrgyzstan. My husband is one of those who have been prosecuted by Mr. Akayev and those prosecutions have been personally motivated.

My husband is the subject of the persecutions only because he was and is the first candidate for the post of the president of the country. Bringing charges against my husband and trying him is only presenting a mechanism of such personal motivated persecution. As you are aware, Kyrgyzstan's judicial system is controlled and subjugated to the president, Akayev.

Thank you for your attention.

Mr. SMITH. Thank you for your testimony and for keeping hope alive on behalf of your husband. I can assure you that our Commission will continue asking the government of President Akayev to allow him to be released immediately. I know, especially based on the testimony today by Amb. Pascoe, that there is unanimity when it comes to our government requesting that he be released. Thank you for being here, and we appreciate your testimony.

Ms. KULOVA [through interpeter]. Thank you for your attention.

Mr. SMITH. I do want to apologize to our next two witnesses for the delay. There were a number of votes, including a bioterrorism vote, which is extremely important. That, obviously, took a tremendous amount of time.

I would like to introduce our final two witnesses. Our panel includes Dr. Martha Olcott, who is very familiar to this Commission, having testified for us before on Central Asia. A leading expert on the region, Dr. Olcott is the author of many books and articles, including *Kazakhstan: Unfulfilled Promises*. She is a senior associate at the Carnegie Endowment for International Peace, having previously and concurrently been for many years a professor of political science at Colgate University. Dr. Olcott has recently returned from Central Asia, so her views, formed over many years of travel and study, will be informed by fresh impressions, and we thank her for being here.

I also welcome one of Kyrgyzstan's leading human rights advocates and activitists, Natalia Ablova. A journalist by training, Ms. Ablova became active in Kyrgyzstan's democratic movement in the early 1990s and founded the country's branch of the Moscow-based human rights society, Memorial. Since 1993, she has been the director of the Bureau of Human Rights and Rule of Law in Bishkek,known as perhaps the foremost human rights monitoring organization in Kyrgyzstan.

Thank you again for making the rather long trip to be here. We appreciate it.

Dr. Olcott?

TESTIMONY OF DR. MARTHA OLCOTT, SENIOR ASSOCIATE, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

Dr. OLCOTT. Thank you for the opportunity to once again testify to this Commission. I am honored by it, and I would like now to add some comments to my written testimony. As you will hear and have heard much today about the specific conditions in Kyrgyzstan from those who live there, or from those who have had to leave Kyrgyzstan because their lives were made so difficult that they must now live elsewhere to struggle for human rights in Kyrgyzstan, I will not offer you a catalogue of who has been wronged as the process of democracy building has faltered in that country.

There are many who have catalogued and will catalogue their plights much more eloquently and effectively than I can. My goal is to add a little perspective to what has happened and maybe provide a little advice on how the United States in general, and your Commission in particular, might try and help to improve things in Kyrgyzstan.

Nevertheless, most of the solutions have to come from the Kyrgyz themselves. When I sit here in Washington, DC, and read about Kyrgyzstan, I often get angry. People I know and have high regard for, like Felix Kulov, get arrested. I read about human rights advocates getting beaten. I hear of religious missionaries getting arrested and members of the press, whom I respect as honest journalists, like Zamira Sadykova, having enormous difficulties getting their publications out because of punitive fines and other forms of harassment.

Nevertheless, when I go to Kyrgyzstan—generally for fairly short trips once or twice a year—I'm always more hopeful and no more so than this most recent trip, because I get to see the events that disturb me in a broader perspective. This doesn't mean that I fail to notice the things that so disturbed me while sitting at home; these events remain troubling, but they seem less deeply disturbing when I view them in the context that they took place. Because, unlike many Kyrgyz democracy activists themselves, I immediately see them in a regional context, and because of this I am able to notice some hopeful signs that indicate how the situation might still be reversed.

To say that the situation in Kyrgyzstan is better than that in neighboring countries is damning with faint praise, and no solace for those whose lives are currently being trampled on. But, in fact, it remains true. The amount of public space available for political debate in Kyrgyzstan is far greater than that available in neighboring countries, and far greater than that which I associate with authoritarian states, my model of authoritarian countries being not simply the former Communist countries, but a state like Franco's Spain, which I am old enough to have both visited and be familiar with.

In Kyrgyzstan, people still feel quite free to criticize the government in semi-public spaces, and I distinguish that from in public spaces. The Parliament, for all its innumerable defects, is a place of some limited political debate and has spawned a few legislators at least who make use of public tribunes, including the state-managed—although not always state-owned—mass media for advancing controversial political ideas.

The press, after all, still has some wiggle room, as when I was in Kyrgyzstan recently: several journalists tried to use me and my then-recent meeting with President Akayev to get me to go on record making critical comments about him, because they thought they could get such

criticism into press if a foreigner said it; they would have more difficulty with similar comments of their own. My retort, though, was that I criticize from home—as I am doing today.

I do not want to make light of the deterioration in the political environment in Kyrgyzstan. The contraction of public political space is everywhere apparent. But what I want to emphasize is that it is not too late to influence development in that country. In fact, in the wake of September 11, it is probably easier to influence developments there now than it might have been beforehand.

Unlike a few years ago, the Kyrgyz Government is no longer testing the boundaries of their relationship with Russia and with the United States. Both are now fairly clear, as are the parameters of the relationships with China. Ties with Kazakhstan are normalizing as well, and the influence of this northern "big brother" (as the Kazakhs like to see themselves) is being modified somewhat. Whatever personal ties and business relations persist between the two ruling families seem to be becoming more compartmentalized. I do not mean to imply that members of both families do not pursue personal economic interests in a way that others would view as corrupt or detrimental to their national interests. Nevertheless, at the same time, a greater sense of national interest is emerging parallel to this. We see evidence of this in Kyrgyzstan's continued pressure for improved trade conditions across Kazakhstan so that their goods can reach Russia without paying a prohibitive tariff of 100 percent. We see evidence of this in recent decisions to sell Kyrgyzstan water to neighboring states.

I see no point in weighing in on the much debated question of whether President Akayev is weak or strong, a captive of strong family members or the evil genius behind some of the convoluted economic and political maneuvering which have emerged in recent years. For all his undoubted flaws, I do feel that President Akayev is someone who is politically savvy. For that reason, I presume he is watching very carefully what is going on in neighboring Kazakhstan over the past several weeks, where the ruling elite shows strong signs of fraying from within, and one hopes that he is drawing the appropriate lessons.

These lessons being that Kyrgyzstan must open up again politically and work toward greater economic transparency, both through the creation of a more independent judiciary and through a more directed and far-reaching campaign against corruption. Parenthetically, the only way that the latter can succeed is if the first family withdraws from its commercial activities. I would urge them to quietly sell off all their current assets, re-privatizing the state again if you like, something I think which would yield enough money for even the most distant of cousins to provide for their families for a few generations if the current rumors are at all based on substance.

In this instance, there would be far less for the Kyrgyz ruling elite to fear from their critics and human rights groups in the Parliament and in the press. Kazakhstan's ruling Nazarbayev family is resisting doing just that, and its next crisis is likely to be much more severe than the current one.

The Kyrgyz state is potentially a far more fragile state than Kazakhstan and cannot afford to take such risks. Its borders with Uzbekistan are far less secure, not to speak of the border with Tajikistan.

Before I conclude, first a few words about both Uzbekistan and Kyrgyzstan. First about Uzbekistan: unfortunately, I'm afraid that they are the cause and not just the excuse for much that has gone wrong in

Kyrgyzstan. President Islam Karimov's refusal to risk the empowerment of both secular and religious groups has led to the paralysis of economic reform in Uzbekistan and the perpetration of the distortions of the Soviet-era economy in order to register a current growth in the country's GDP.

In large part, to sustain this economy, Uzbekistan has closed off its borders to all of its neighbors, destroying any possibility for the development of a regional economy in Central Asia, and with it any hopes that Kyrgyzstan had of a relative easy transition to a market economy. Kyrgyzstan's economy is simply too small to go it alone.

The realization that economic reform was sure to fail may well have been one factor which fueled, but does not excuse, some salting away of the international assistance money that came to Kyrgyzstan, as people may have justified it to themselves by arguing that, "Why not steal the money to help my own family if it can't really work to its purpose anyway?"

Some of this I would argue would have occurred anyway as Soviet-era Kyrgyzstan had more than its share of scamps to skim state assets, and corruption is nothing new to this country, like that of the neighboring states.

Uzbekistan is also the source of the region's religious revival, which predates that of Tajikistan. Although the two religious communities were in close contact and fueled each other, there would always have been some overflow into Kyrgyzstan. The current frustration of Uzbekistan's Islamists is so great that a critical mass of them is determined to politicize Islam within Kyrgyzstan as a way to pressure the Uzbek regime.

The strategy is working, at least in terms of the growth of religiosity in southern Kyrgyzstan, both between Kyrgyz and Uzbek youth. The current campaign against the Hizb-ut-Tahrir in Kyrgyzstan is another point of contention for human rights activists, as the civil rights of alleged followers of the movements are often abused. The Hizb-ut-Tahrir also has fertile ground in the poverty in the south, paying pamphleteers to distribute their literature, making more pressing the cause for economic reform.

Here too public debate and political participation would do more to dampen the appeal of these religious activists as the further flourishing of secular NGOs would steal some of their agenda.

My penultimate point: I would also urge for a more effective campaign against the drug trade in neighboring states, both in Afghanistan and Tajikistan. This would help Kyrgyzstan enormously and would remove an important source of self-financing from extreme religious groups in Kyrgyzstan and in Tajikistan. Kyrgyzstan is one of the only two transit routes to the outer world for Tajikistan today, the other being Afghanistan.

In this regard, the corruption of Kyrgyzstan's law enforcement officials must be addressed. This means more money for higher salaries as an elementary starting point.

Anyway, I think my current discussion provides a sense of the interconnectedness of Kyrgyzstan's problems and why embracing the principles of good governance—what in my written testimony I termed the necessity of the luxury of democracy—is absolutely essential for Kyrgyzstan's Government to ensure the survival of their state.

Thank you for your attention.

Mr. SMITH. Dr. Olcott, thank you very much for your testimony, and again, for your insights that you provide to the Commission.

I would like to ask Ms. Ablova if she would present her testimony.

TESTIMONY OF NATALYA ABLOVA, DIRECTOR, BUREAU ON HUMAN RIGHTS AND RULE OF LAW, BISHKEK, KYRGYZSTAN

Ms. ABLOVA. Thank you, Mr. Co-Chairman. First, you have already described the most important human rights-related cases in your speech, so I can concentrate on other issues of importance.

I'll mostly speak on behalf of my organization, the Bureau for Human Rights and Rule of Law. Nevertheless, we are also a part of a larger group of dedicated NGO workers in our country. They are human rights activists, environmentalists, social rights advocates, aid watchers, etc. We reluctantly use the term democratization because our objective is full-scale democracy and no allowances are to be made due to mentality, history, or difficult transition period.

We are frequently told by our political elite that in our part of the world people are not ready for democracy. The mentality is different. It has yet to adjust itself to reforms and changes. The process takes time. Therefore, all criticisms, grounded or ungrounded, should be toned down to better times of democratic maturity.

The same rhetoric is often heard from various international organizations and Western embassies based in Bishkek. We fear that these considerations will dominate in public debates and that may throw us back to bleak periods in our history, which we know well enough and never want to enter again.

My 15 years of experience in public activism prove that it is not the people, but the political leadership of the country that always waits for better times to implement basic rights and civil liberties. We have plenty of work ahead of us to demonstrate in this critical period that the security agenda should be made an integral part of the human rights agenda; that respect for human rights is a prerequisite to a stable development of our country, because it is human security that can either contribute to or undermine state security.

How will the tougher security controls and the new relationship with the West strengthen or weaken fragile democratic institutions that emerged in Kyrgystan during the first 10 years of its independence? Responses to this question can vary, as there are lots of different opinions. I can only express my view, which is very close to the opinions of some other NGO activists in my country.

Like many other human rights workers, I have reservations about the excessive use of force, security checks, limitation of civil liberties that go beyond necessary levels. I know we are often called idealists and are accused of little knowledge of *realpolitik* or of economic issues. They are, we are told, the key components to understand the new challenges we are facing these days. I will try to present my position taking into account not only specific human rights concerns, but peoples' grievances over economic and development failures of Kyrgyzstan and to show correlations between two areas.

Failed states—the example of Afghanistan is just too fresh and too horrid—are unable to secure stability and prosperity for their population. Moreover, they present a threat to other countries as well. It has become commonplace for the Government of Kyrgyzstan to report on successes in political and economic reforms, having certain convincing

facts and figures of economic growth, poverty reduction, peaceful transition and stable inter-ethnic relations. We agree that the government has achieved some of these goals through a variety of non-violent ways.

The government is expected to perform its duties on our taxpayers' money. Still we have a lot of questions to ask. Why did the overwhelming majority of Kyrgyzstani people not benefit from the numerous reforms? Why are we more and more accustomed to using the term "poverty" in all public debates, while 8 or 10 years ago this was a specific sad expression to depict the hardships somewhere else, not in Kyrgyzstan?

Why do human rights abuses committed by law enforcement bodies mainly go unpunished? Why are ever more people leaving the country and name lawlessness and lack of protection as main reasons for this difficult decision? Why is the almost nonexistent or controllable corruption of past years now identified by the head of the state himself as a phenomenon that threatens national security? Why does the work of public institutions and nongovernmental organizations meet more resistance and less attention on the part of authorities of all levels, while 7, 8 years ago those in power were rather sensitive and mostly responsive to public outcries?

These questions can be answered and the answers can vary, but these are questions nobody responds to.

Are these grievances totally home-grown, or they have origins elsewhere? For how long will they tolerate this situation? Can we guarantee that angry people will never consider the possibility of a violent response to frustration and extreme dissatisfaction?

These are my own responses to the first set of answerable questions:

Reforms have brought very modest results because they were either engineered without a broad public consensus or imposed by irresponsible donors or were implemented in their own way. All these factors are true. Additionally, in the context of Central Asia, an island of democracy obviously cannot function if surrounded by powerful, oppressive regimes with abundant resources for undemocratic development.

If a country that was never rich, but could provide for basic needs of its population, starts speaking about poverty reduction, poverty elevation, it means the country has collapsed, or is grossly in debt, or wants to take part in the relevant programs of the World Bank. All three reasons are here. Since the collapse of the Soviet Union, Kyrgyzstan has been borrowing frantically from international financial institutions and is now drafting a poverty reduction strategic paper [PRSP] with the assistance of the World Bank because it was a precondition of a significant debt reduction. Debt relief is good. Impunity is bad. This can encourage further ineffective spending and generate new foreign and internal debts.

The PRSP sends a clear signal to potential responsible investors: Beware, this country is combating poverty. They are not in charge of the situation. This is called a risky or dubious development. Other countries with PRSP strategies have become more impoverished because they were stigmatized as unreliable and aid-dependent.

Human rights abuses are often directly linked with poverty. If a junior police officer, a frequent perpetrator in human rights related conflicts, receives a monthly salary of less than $20, then he will inevitably regard the entire population of his precinct as a legitimate target for extortions accompanied by police brutality. All this goes mostly unpun-

ished or even with the silent consent of senior officers, who cannot demand proper behavior knowing that they cannot promise any material reward or threaten the material well-being of a policeman.

Or, when a criminal investigator, another popular character in a horror story of systematic tortures and police abuses, has very limited access, if any, to modern investigation techniques, and he cannot spare gasoline to go to the crime scene, then he will inevitably use the cheapest investigation method to resolve a pending case: obtaining confessions under torture.

You can read any Kyrgyz newspaper. They are full of stories of this kind. Human rights activists are literally buried under an avalanche of this type of complaints.

Yet Kyrgyzstan is not that bad. Look around at our neighbors.Why do ever more people decide they should leave? I can understand that the government cannot feed me or find me a job, like in Soviet times. But I cannot and will not tolerate a situation when the state does not guarantee protection from criminal or administrative harassment. These are the most frequent complaints of the visitors to the bureau who are seeking consultation and advice in immigration issues.

Another concern of those who already packed their things to leave and of those who are still undecided: they are afraid that soon we will not be able to pay for utilities. As more people are impoverished and fail to pay in time, basic needs of electricity, gas, and heating will not be met because new private owners start cutting off supplies and services.

I cannot see the destruction and decline of everything I have been building during my entire life. I do not want to see our precious great lake poisoned, our unique nature spoiled by greedy corporations and corrupt officials that turn a blind eye to all this. This phenomenon has its ugly name: decivilization. It is true that corporations are increasingly taking control of industries and services previously run by the government without taking on environmental and social responsibilities.

The government is also concerned by the exodus of skilled professionals and national intelligentsia but it does not take it very seriously. However, we have a nearby example of the country deserted by its learned citizens who thought it impossible to stay and rebuild their state. This country has till recently hosted the world's most ruthless terrorists. You all well know the name of this country.

Many transition countries that have weak, inexperienced power structures have fallen victim to the so-called development programs or investment projects implemented in an environment where legal and institutional frameworks are dysfunctional. Judiciaries are far from being independent, civil society is harassed and media is not free. These initiatives designed in quiet offices somewhere in Washington or Brussels can feed massive and uncontrollable corruption and create alliances between irresponsible administration and big private corporations involved in cost- —not jobs- —generating projects typical for extractive industries.

This situation often leads to terrible human rights abuses that vary from forced relocations that are blocking any sustainable development to brutal suppression of those who demand fair compensation and pollution cleanups.

I cannot but commemorate here the victims of cyanide poisoning that occurred in May '98 and affected several villages—Barskaum, Tamga, Tosor—in the picturesque Issyk-Kul province of Kyrgyzstan. This is

the real price of the so-called development. This is the true content of some success stories: figures of economic and GDP growth of recent years. I wholeheartedly denounce this so-called progress.

With dismay and great anger, civil activists are now witnessing the emergence of yet another perpetrator on the crime scene of human rights and environmental disasters. The collective name of this new actor is corporate greed. The evidence is overwhelming that big investment projects that are based on fossil fuel and mining founded by international finance institutions have often exacerbated already existing tensions described above. This is another cause of instability in socially sensible areas, particularly in overpopulated regions with scarce land and water resources.

In addition, in areas inhabited by indigenous subsistence communities, mining projects interfere with the very basis of survival for locals, further marginalizing and disadvantaging these already vulnerable or affected communities.

These concerns have been raised during the meeting with the newly formed body, Council for Foreign Investments, under the president of the Kyrgyz Republic. This initiative has been vigorously supported by this current U.S. ambassador to Kyrgyzstan, who is sitting in the council as a member. The activities of the council are supported by USAID.

Recognizing the importance of removing barriers that impede investments, a number of well-known civil activists of Kyrgyzstan have stated that among barriers there may be legal interests and civil liberties of the people. We do believe in investments, but in those made daily by housewives, students, lawyers, professors, by all of us when we use commodities and utilities, buy food and clothes, pay for medical services and education of our children, when we travel and entertain or invest in our security. The interests and rights of this large group of investors should by all means be respected and promoted by the state.

We are on our highest alert not to let any unexpected and damaging effects impair our vision of development that sometimes differs from officially approved scenarios. The impression that our government favors large-scale investors over the interests of local people and local communities is emphasized by how complicated it is for us to exercise our right to know. Weak legislation, coupled with weak enforcement, has forced NGOs and some community groups to take on the role of holding companies accountable and responsive to our demands, to disclose vital important information, emergency response or decommissioning plans.

This is a relatively new aspect of advocacy work for Kyrgyz NGOs, but I am absolutely convinced that this is what we need now. Frustrated and angered groups of affectees can resort to violence if they are not shown this opportunity to peacefully protect their rights or seek important unbiased information in the independent media.

That brings us to reaffirm the importance of such basic civil liberties as freedom of expression and freedom of association. They are preconditions for creating a real civil control over the government. These are our major achievements during the years of independence. A responsible and accountable government can deal with these complex problems and face serious threats to its stability and integrity because it always has the backing and support of the people. The example of your country in trouble just showed it.

On the contrary, a corrupt and non-transparent repressive state in a time of turmoil will always be afraid to rely on the people because it has undermined that trust by continued reprisals, abuses, and maladministration. I cannot say that developed democracies that are the members of the anti-terrorist coalition must demand from the so-called younger brethren of developing nations to behave themselves. This is not going to help when there are so many examples of double standards applied depending on geo-political priorities. So we can only demand that everybody adheres to high standards of international relations because this is pragmatic and less dangerous for the entire world.

What can consolidate the anti-terrorist coalition, not only state-run but supported by civil societies of member countries? We are not politicians; so recommendations are very simple: human values we share under any circumstances fight against terrorism or no fight against terrorism; politically motivated or oriented failures can be accepted if they coincide with universal values; political considerations and decisions that run counter of universal human values, we reject.

> "The things that will destroy us are politics without principle, pleasure without conscience, wealth without work, knowledge without character and business without morality."

This warning was voiced in the past century by Mahatma Gandhi. This warning is to be taken seriously by all of us.

Thank you very much.

Mr. SMITH. Thank you very much for your testimony. Earlier in his testimony, Ambassador Abdrisaev said that the government was working on a new human rights ombudsman and that this law, in whatever state of development is in, would hopefully offer some protections. What is your take and your opinion of this new office of ombudsman in Kyrgyzstan? Have you been brought into the process at all?

Ms. ABLOVA. Yes, from the very beginning of drafting this law, we were made a part of the working group. When we saw that the process was stalled by certain disagreements between the executive branch and the legislators, we made a special statement and enumerated preconditions for successful implementation of this new mechanism for protection of human rights.

First, we demanded absolute financial and political independence of this institution, and that the ombudsman should be accountable only to the Parliament and only during his annual reports when he just voices his recommendations. Not to the president. That demand was not met.

The procedure of electing ombudsman was not according to the PRS principles. You see, we need full-scale ombudsmen. We do not need some interim ombudsmen.

Mr. SMITH. So is the Office of Ombudsman up and running, or is it close to being up and running?

Ms. ABLOVA. You see, now nobody knows what happened to the draft. It was delayed and nobody from the legislative body, except one or two deputies, is pursuing the matter. The executive branch is not interested any more in promoting this project.

Mr. SMITH. Well, the ambassador did mention it in his testimony, but we will see if it is to fulfill the vision of truly being an arbiter of human rights. Mr. Ambassador, if you can provide for us an update as to its status, that would be appreciated.

Amb. ABDRISAEV. You know, Mr. Co-Chairman, about this situation we will communicate with the capital and I think that our administration and government is working on that issue. But we have to communicate also with civil society how to proceed further.

Mr. SMITH. Please keep us apprised. As I know you know, in this government—a democracy that has endured more than 200 years—there is a constructive, and I think, a very helpful mutual distrust among the branches of government. We have watchdogs that watch Congress. We have a General Accounting Office that gives us, hopefully, honest, undiluted information as to what is happening with programs that we enact. We can get a report any day of the week from the executive branch. The executive branch happens to be my party, and I have a great deal of respect for George Bush, but we still want to get independent verification, which is why we have these checks and balances.

I do hope your government will take very seriously the recommendations that are being made about the ombudsman being separate, that it be accountable to the Parliament, and that there be these checks and balances. Otherwise, it runs the very real risk of being nice, but irrelevant. Looking at it cynically, the office perhaps can be used to parade around abroad while it really does nothing, or very little, domestically to ensure that human rights are protected. Thank you for coming back to the microphone.

Amb. ABDRISAEV. This is a message for us and we will pass it further.

Thank you.

Mr. SMITH. Let me ask either of you: last summer the government put forward draft amendments to the law on political parties and NGOs that would have greatly increased government controls, and yet there was a rather significant outcry against it and they were pulled back. What do you make of that? Is there some responsiveness, in your view, to the voices of the NGOs and the human rights community?

Ms. ABLOVA. Yes. At the end of summer, we heard this news that there are certain amendments which were going to undermine our liberties, especially freedom of association. Fortunately, lots of NGOs, which sometimes can have different opinions, in this particular case were absolutely unified. And this demand reached the president of the country and he ordered the minister of justice to revoke this law on new amendments.

But still, the danger exists because we know that the Ministry of Justice is going to introduce certain amendments. Though they worked with us and they agreed that certain amendments are not to be introduced, but there are still a number of amendments which are very dangerous. We are working on this issue.

Mr. SMITH. Yes, Dr. Olcott?

Dr. OLCOTT. Yes, if I could make a comment. It's so hard to capture the political flavor of a place like Kyrgyzstan. I think that debates over this legislation is one of the really good examples. It's such a tiny country that so much information flows between social groups, which has been one strength of the NGO movement, that pressure on them really is felt throughout the country and throughout the NGO community.

It is much more of a political bazaar still today than a political democracy. But that bazaar-like quality really gives it a capacity to reflect public opinion that you do not find in the bigger states in the region. So the NGOs have so much more vitality in Kyrgyzstan, in part

because of the hard work of people like Ms. Ablova, but also in part because of the nature of that society where the size is almost a mechanism of partial transparency because you can't keep anything hidden in that country. It's kind of amazing.

Mr. SMITH. As the war continues in Afghanistan and God willing, it'll be over sooner rather than later, and a true democracy will take hold there, are any of those lessons being felt as yet in Central Asia? Now Central Asia is getting much more scrutiny than it ever got before. Every night and in virtually every newspaper and magazine, there are maps indicating the Central Asian Republics. People are beginning to really focus and hone in on this part of the world, where before they had not.

Is this a window of opportunity? Could there be some collateral benefit? You know, we often talk about collateral damage. Well, here we have the possibility with real nation building and to encourage not just Afghanistan, but the rest of the nations to respect human life, human rights and the rule of law. Are we seizing that opportunity? Do you perhaps see some positive developments?

Dr. OLCOTT. I think Kyrgyzstan is one place where the political leadership is sensitive to this as a new opportunity. I was really struck by that throughout my most recent trip, where I really was given very high access to senior members of the government, including the president. This was really something people talked about. There was the hope that this would lead to more assistance from the United States, obviously, but also more sensitivity—more attention to the region generally.

But I would argue that the risks of collateral damage for Central Asia are still much greater than the collateral benefit. That was the other theme that came up throughout every conversation: the fear that the security risks to the Central Asian states would increase in the period of reconstruction in Afghanistan, especially through the return of the drug trade.

So I think this is a moment of much greater potential receptivity of a leader like President Akayev to cleaning up his house in some of these abuses of democracy. But I think that, on the other hand, there will be some hope that there will be increased U.S. awareness of the interconnectedness of these places in this part of the world and how the period of rebuilding in Afghanistan, which will be a long one, is a period of real danger for many of the neighbors as bad things flow toward them.

Mr. SMITH. Ms. Ablova, did you want to…

Ms. ABLOVA. People in Kyrgyzstan have a very good head. We always hope for the better, but there are still fears. One of the greatest fears is that yes, we know that this military campaign is more or less successful, but nobody believes that all al Qaeda terrorists will be targeted and eliminated. Some of them are already in their places, including Ferghana Valley.

Maybe for a while, they will be silent, but they will use all opportunities to be active, if the situation with poverty, crime and corruption is not going to change.

Mr. SMITH. Let me ask, how do you regard the upcoming local elections on December 16? Are they likely to be free and fair? Will they be a showcase and more of the same?

Ms. ABLOVA. Unfortunately, I cannot say so because, you know, they are pilot elections in certain areas, and they showed that the election commissions created filters which we saw during the Soviet time, during Gorbachev time. The candidates are to be determined by a group of local administration officials. It is certain type of commission which serves as a filter. That's not democratic.

I can only hope that this model, this pattern, will not be used in the overwhelming majority of constituencies. But still, this law on local elections is not perfect. We have lots of problems with elections, really. We will have lots of problems with the observations of elections now.

Mr. SMITH. Did you want to respond to that?

Dr. OLCOTT. I would say I think the precedent is probably going to be more important than the actual practice.

Mr. SMITH. If Felix Kurlov were to be released immediately or in the very near future, what message do you think that would send to the West and to the United States in particular about the government's commitment to reform?

Ms. ABLOVA. Well, from the very beginning we have been saying that even if Felix Kulov was guilty of those offenses, those abuses, these are purely administrative abuses, you see. His right to due process was undermined by the closed nature of trials. So nobody can judge whether these accusations were correct or not. Nobody can really see that his procedural rights are not violated.

Moreover, after this case, a newspaper that was trying to report from the trial, was accused of divulging state secrets and there was also a very ferocious attack on the free media. So if Felix Kulov is released, this will give us the message that the government is still responsive to the criticism.

Dr. OLCOTT. I think Kulov's release would be a very important and a wonderful first step. But I would hope that it would allow the United States to focus pressure on more institutional developments that are also really important. It would be a terrible shame if President Akayev released Felix Kulov and then that release became a substitute for serious judicial reform and the move toward legal transparency.

Mr. SMITH. Let me ask one final question, Ms. Ablova. Do you have any concerns that when you return to Kyrgyzstan that you and your organization will be targeted because you testified here today?

Ms. ABLOVA. Well, I hope it will not happen because what I was saying today is not a new fact for any government official. These are not new facts for the ambassador who is sitting here. These are not new facts for any citizen who closely watches the development of my country.

Mr. SMITH. OK. We will be watching very closely as well, and our sincere hope is that your voice will be even more pronounced and given greater amplification at home as you go forward. Because you are speaking truth to power and that takes a lot of bravery and a lot of courage. On behalf of my fellow Commissioners, we do salute you for that.

Just so you know, this record will be made available very quickly to our leadership in the House, starting with the Speaker, the Majority Leader, the Minority Leader. They will be very much apprised as to what you and our other witnesses have said. You will be heard by a number of very important policymakers, and I want you to know that going back. We are very grateful for you coming here.

To both of you, if you have anything else to add?

Dr. OLCOTT. Just thank you for the opportunity.

Ms. ABLOVA. Thank you very much for the opportunity to speak here.

Mr. SMITH. Well, I, on behalf of the Commission, thank you for your words of insight and, again, for the bravery of being here.

Without any further questions, I thank you again, and the hearing is adjourned.

PREPARED STATEMENT OF HON. JOSEPH R. PITTS, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

I would like to thank the Chairman for this important hearing on human rights and democracy in Kyrgyzstan.

Over the past three months, as the U.S. has led the war against terrorism, the importance of Central Asia to U.S. national security and regional stability has come into sharp focus.

As Central Asia states, such as Kyrgyz Republic, celebrate 10 years of independence, it is good for us to look at the progress they have made and some challenges they continue to face.

It is no secret that economic prosperity, the growth of democracy, and the establishment of the rule of law are essential for the stability of the region. To ensure this, it is necessary for the U.S. to actively engage this region. We must work with leaders of these countries and build bridges with them—both economically and politically. We must let them know that the U.S. is not going to turn a blind eye to the region.

This is why we are here today: to engage this region—to engage Kyrgyzstan—and have an open dialogue on freedom and democracy.

To be sure, all Central Asian countries have fallen short of OSCE standards to varying degrees. This fact is not in dispute. However, the hesitancy on the part of Congress to highlight progress that has been made in the region is of great concern. If we are to be an honest partner with Kyrgyzstan, we must not miss opportunities to encourage the good that has been done. We must look at Kyrgyzstan and other countries with promise in the region not only from OSCE standards, but also as a potential leader in building regional cooperation.

Kyrgyzstan, like its neighbors who were once part of the Soviet Union, has faced a difficult road to recovery and prosperity, but it has made significant progress and I expect that progress to continue.

Kyrgyzstan is one of the most democratic nations in the Middle East and Asia regions. Is it good enough? No. Does it have room to grow? Yes. There have been some steps backward, specifically in the area of free and fair elections, and this concerns me. But we cannot lose perspective. After just 10 years of independence, I believe Kyrgyzstan is on its way to a prosperous future—but the U.S. must work closely with Kyrgyzstan along the way.

The people of Kyrgyzstan are hungry for democracy and economic prosperity, and there is a great desire to work with the U.S. and have a U.S. presence in the region.

I look forward to hearing from our witnesses this afternoon, especially my friend, Ambassador Abdrisaev. I look forward to hearing how the U.S. can best encourage economic development in the region; how can the U.S. better work with Kyrgyzstan to stem the growth of Islamic extremism that threatens its borders and its security; and what role can Kyrgyzstan play as a leader in freedom and democracy in the region.

We must be vigilant in protecting human rights around the world. But if we donÆt engage countries, particularly in Central Asia, wisely, our efforts will be counterproductive. By positively engaging countries, such as Kyrgyzstan, working together on shared interests, and encouraging leadership that leads to prosperity, we will be able to more effectively address, throughout the region, the concerns I mentioned previously.

Thank you, and I yield back the balance of my time.

PREPARED SUBMISSION OF B. LYNN PASCOE, DEPUTY ASSISTANT SECRETARY OF STATE FOR EUROPEAN AND EURASIAN AFFAIRS

Mr. Chairman, it's an honor to represent the Administration before this Commission to discuss recent developments in Kyrgyzstan and U.S. interests there.

THE SECRETARY'S VISIT

The Secretary just returned from a trip that included stops in Central Asia to express American appreciation for the Central Asian states' ongoing critical support to Operation Enduring Freedom. He also took the opportunity to explore other areas of common interest, including economic cooperation, the development of civil society and human rights, humanitarian relief, and Caspian energy. The Secretary had planned to visit Kyrgyzstan as part of the trip to thank President Akayev and the Kyrgyz people for the overwhelming support offered this week by their Parliament to make Kyrgyzstan's airport facilities available for use by coalition forces. He also intended to discuss counterterrorism cooperation, regional issues, and progress on Kyrgyz efforts to promote further democratic reform. Unfortunately, his stopover on Saturday was cancelled at the last minute when bad weather closed the Bishkek airport. He did talk with President Akayev by telephone.

POLITICAL REFORM

Kyrgyzstan, which was once the standard bearer for reform in Central Asia, has slipped backward. Presidential and parliamentary elections have been seriously flawed, but the level of democratization since independence, compared with Central Asian states is nonetheless impressive. Earlier this year, President Akayev announced that he would step down when he completes his third term in 2005. We hope that the presidential election to choose his successor will mark the first democratic succession of power in Central Asia.

During 2000, both presidential and parliamentary elections were marred by irregularities. President Akayev was elected to a third term in an election, that did not meet international standards for legitimate, democratic elections. Restrictions on the registration of candidates, intervention by local officials, and harassment of opposition candidates' activities negatively influenced the fairness of the campaign.

In February and March 2000, the first and second rounds of parliamentary elections were held. For the first time, 15 of the Legislative Assembly's 60 seats were distributed proportionally based on party lists. Prior to the parliamentary elections, the Government took numerous actions, which disadvantaged opposition political parties. Although there were improvements in overall election administration on the day of the vote, there were allegations of ballot tampering, intimidation of voters, and harassment of campaign officials in the elections of a number of opposition leaders. The opposition party of Feliks Kulov, the former Vice President, was excluded (along with a number of others) from the February 2000 elections on technical grounds. Kulov himself was allowed to run, but he was subjected to intense political pressure by the GOK, including the opening of an investigation against him. After first being acquitted, Kulov was tried again in January of this year and sentenced

to seven years. On the plus side, imprisoned opposition leader Tolchubek Turgunaliyev received a presidential pardon and has since returned to opposition politics.

Despite these problems, the parliament has again developed real independence, initiated its own legislation, and on several notable occasions overrode presidential vetoes in defense of its own legislative priorities. In the past, the parliament and the president have worked together to pass significant reforms of the criminal, civil and commercial codes and to begin the process of privatizing state industry and state-owned commercial enterprises. Recently, Parliament has proposed legislation to create an ombudsman, decriminalize libel, and reform the educational system. If enacted and implemented, these bills could help get Kyrgyzstan moving in the right direction again.

More importantly, all of the basic elements of a civil society have grown in Kyrgyzstan. There are hundreds of non-governmental organizations of all sizes advocating the full range of local, national and international issues. A vibrant and diverse collection of Iindependent media outlets haves developed since 1991, including television, radio, newspapers, periodicals and internet providers. However, there have been serious problems. Government harassment against opposition the Kyrgyz-language newspaper Asaba is a case in point. The paper was subjected to pressure and intimidation shortly after the newspaper's owner declared his candidacy to run in the Presidential election in 2000. Two so-called "honor and dignity" suits were lodged against the newspaper, a longstanding tax dispute was revived, and a dormant debt case was reactivated against the newspaper. In April of this year, the newspaper closed. It reopened in October under new management with ties to the Government. Many of the original staff left to join the independent newspaper Res Publica.

In April, the Ministry of Justice cited an excess of outdated registrations to require media outlets throughout the Kyrgyz Republic to re-register. To the government's credit, by October, 65 media outlets successfully re-registered. In June, citing a previously unknown April decree, the Ministry cancelled the registration of 16 new media outlets that had been approved after April, including two opened by editors of newspapers previously closed under Government pressure. The outlets were forced to re-apply by October 1, but all were successfully registered by November 1. The basic uThis year sixteen new independent newspapers began publishing. nderpinning of the positive movement is Kyrgyzstan's well-educated and politically involved population.

ECONOMIC REFORM

Kyrgyzstan's early record of economic reform also stands out among countries in transition. Despite the limits of its exploitable natural resources, Kyrgyzstan managed to attract private investors from U.S. and other western corporations by improving its investment climate and working toward a modern regulatory structure. The government achieved real progress on agrarian reform and the privatization of state-owned enterprises. The private sector has grown, although the lack of resources and capital funds limited the scale of private enterprises. By 1998, Kyrgyzstan had achieved significant economic growth rates and was on the verge of a breakthrough in market reform. Kyrgyzstan's accession in December 1998 to the World Trade Organization is a testament to its progress.

Unfortunately, with a resource-poor economy heavily dependent on trade, Kyrgyzstan was particularly vulnerable to the disastrous 1998 Russian financial crisis. Russia had been the country's number one trading partner, accounting for nearly half of total trade. Armed incursions in the south by radical Islamic rebels in 1999 and 2000 created a security crisis that also exerted severe pressure on the budget. Whether in reaction to these factors or not, the Government of Kyrgyzstan discontinued many of its economic reforms, and in some cases actually reversed previously implemented steps on privatization and market liberalization.

Today the economic situation in Kyrgyzstan is serious, but not desperate. Government figures show a growth rate of over 6%. The war against terrorism in Afghanistan has brought tougher times, making investment prospects scarce and putting further pressure on the Kyrgyz budget. Foreign debt payments are a crushing burden that cripple efforts to improve health, education, and defense.

On the positive side, the Kyrgyz government and the World Bank developed and are implementing a comprehensive strategy aimed at reducing poverty and generating growth. On November 30, the IMF Board approved Kyrgyzstan's new Poverty Reduction and Growth Facility. Under this program, the IMF has identified a need for Paris Club debt relief. As a result, the Paris Club gave financing assurances to the IMF. The terms of the debt treatment will be negotiated within the Paris Club in the near future.

The Government has also sought to improve the investment climate by cutting red tape and passing new legislation, as well as by creating an investment roundtable to promote new ideas for attracting FDI into Kyrgyzstan.

PROMOTING U.S. INTERESTS

Since September 11, we have received an unprecedented level of support and cooperation from Kyrgyzstan and our other Central Asian partners. The Kyrgyz legislature just yesterday formally agreed to the stationing of American and allied forces at Manas airport for military and humanitarian actions in Afghanistan. The stakes are undeniably high in Central Asia. We rely on the Kyrgyz and other governments for the security and well being of our troops and for vital intelligence that has allowed us to conduct such an effective campaign in Afghanistan. The front-line states of the region also provide a critical humanitarian corridor for food and emergency supplies that can save the lives of thousands and thousands of desperate people living in northern Afghanistan this winter.

Without human rights, free elections, religious freedom, open markets and foreign investment, there can be no long-term stability because the people of Central Asia will demand the economic prosperity and personal liberties to which they are entitled. We have told President Akayev and other Central Asian leaders that America does not forget those who have stood by us during this time of trial. After this conflict is over and our troops have come home, we will not walk away from Central Asia, and certainly not Kyrgyzstan. We are committed to a deeper, more sustained, and better-coordinated engagement with the region on a broad range of issues. We want these countries to be firmly on the path to full participation in the modern community of nations.

The foundation of our policy continues to be the principle that political and economic reform is the only path to long-term stability and prosperity.

We are committed to developing the resources, the high-level attention, and the multinational coordination to support reform opportunities in Kyrgyzstan. We want to stand by the Kyrgyz in their struggle to change their society in the same way they have stood by us in the war on terrorism. We are ready to explore new areas of assistance, but it must be accompanied by demonstrated, concrete steps toward reform.

We shall reinforce our assistance for civil society, especially the independent media, non-governmental organizations, and fundamental political reform. We are also focusing our assistance on programs that seek to educate and inspire the next generation of leaders in Kyrgyzstan. You know these initiatives well. They include the high school-level FLEX program, the university-level Freedom Support Act program, the graduate-level Muskie program, the Fulbright scholars program, the IREX professional exchange program and the Peace Corps. Dollar-for-dollar these have been our most important investment in the region. We want to broaden these programs, and we will need increased financial and human resources to do so.

In addition to helping Kyrgyzstan become stable and prosperous, we have a significant U.S. national interest in preventing the spread of terrorism. The terrorist threat that developed in Afghanistan reinforces our view that underdevelopment and repressive, anti-democratic regimes in the region provide a breeding ground for terrorism and Islamic extremism. We must ensure that other states in Central Asia do not replace Afghanistan in this role in the years ahead. In accordance with our commitment to Kyrgyz sovereignty, stability, and territorial integrity, the USG has provided the Kyrgyz with customs and border guard training, anti-terrorism assistance, and communication, observation and detection equipment. These programs have been well received and have served to develop the basis of cooperation for our current joint efforts in Operation Enduring Freedom.

CONCLUSION

Kyrgyzstan has just marked its first decade as a sovereign state. Despite the difficulties of the past ten years, Kyrgyzstan has made great strides. It has established peaceful relations with all of its neighbors and become a member of the Organization for Security and Cooperation in Europe, the World Trade Organization, the Euro-Atlantic Partnership Council, and NATO's Partnership for Peace.

Now Kyrgyzstan is at a historical crossroad. The government's willingness to expand our cooperation presents a unique opportunity to improve our bilateral ties and for Kyrgyzstan to restore its reputation as a progressive country in Central Asia. It is our hope that Kyrgyzstan will develop into a fully functioning free-market democracy and pursue the policies that will create robust and enduring partnerships with the U.S. and the community of democracies. We are working with Kyrgyzstan to promote a flourishing democracy and vibrant civil society, which play key roles in economic prosperity and future stability.

Congress, and in particular this Commission, will play a vital role in this effort. The Administration wants to work with you on new ideas for programs and the funds to implement them. We need to support each other's messages in Kyrgyzstan and the region. I am particularly grateful for your invitation to share our views with you today.

PREPARED STATEMENT OF
HIS EXCELLENCY BAKTYBEK ABDRISAEV

Mr. Chairman, Members of the Commission and Participants of these hearings:

I would like to express my gratitude to the members of the OSCE Commission for the opportunity to share vision of my country about the security situation, democratic reforms and human rights in Kyrgyzstan.

The tragic events of September 11 conclusively convinced the world community of the necessity of immediate joint efforts by all countries to declare war on this "plague of 21st century"—international terrorism.

Since 1999 southern Kyrgyzstan has lived through attacks by Islamic insurgents connected to the Al-Qaeda network and Osama Bin Laden in the Ferghana Valley. All this time we have been forced to pay attention and allocate resources to the fight against terrorism while continuing to work towards deepening reforms in our country. More than 50 of our people perished in this war. This is why Kyrgyzstan has repeatedly called for immediate, effective and coordinated measures on the national, regional and international scale towards the full annihilation of terrorism's very roots.

During the last several years, Kyrgyzstan has undertaken indispensable measures to ensure its national security. The borders are guarded by increasingly better-equipped military and security forces. At the last summit of the Shanghai Cooperation Organization, we initiated the creation of an anti-terrorist center dedicated to the prevention of and struggle against international terrorism. Kyrgyzstan implemented necessary measures for enhancing its military security. A permanent rapid reaction force under the CIS collective security treaty has been operating in Kyrgyzstan. Kyrgyzstan receives significant assistance from the U.S. Department of Defense ranging from military training of Kyrgyz special forces units in skills necessary to conduct operations in mountainous terrain to providing them with the necessary equipment to conduct their operations. Our country is grateful to the U.S. Administration for providing significant help during all this period in our fight against terrorism, drug trafficking and securing of our borders. Related to this issue, I would like to express my deep appreciation for the decisive and enthusiastic support rendered to Kyrgyzstan in 1999 by a group of senators and first of all members of the Helsinki Commission senators Sam Brownback and Gordon Smith who helped to expedite the Pentagon's actions in assisting us during crisis.

In the wake of the events of September 11, when the US led the international coalition in the fight against terrorism, Kyrgyzstan expressed its readiness to take part in it and to cooperate in a number of areas. Along with the measures initially undertaken by the President of the Kyrgyz Republic, Dr. Akaev, was the granting of permission to use Kyrgyz airspace for U.S. military aircraft, participation in transporting humanitarian aid through Kyrgyzstan to Afghanistan, and cooperating in intelligence exchanges. At present, both chambers of our Parliament ratified an agreement between our countries about the deployment of air assets of the coalition forces on Kyrgyz territory. Besides this, as a signatory of the Geneva Convention on Refugees, Kyrgyzstan has been traditionally ready to play an active role in this matter as well. I would like to remind you that there are currently about 20 thousands refugees from Afghanistan and Tajikistan on Kyrgyz soil—refugees which we have been harboring for the past five years.

Mr. Chairman, I believe that today's hearing in the OSCE Commission reflects new realities of the times where it become evident that the experience, abilities, and institutional potential of OSCE will play a key role in the war on terrorism and strengthening the security in the Central Asian region. Solving this problem has become the primary challenge for this region due to the increased combined threat of international terrorism, religious and political extremism, organized crime, and narcotrafficking. Increased help on the part of OSCE for the countries of Central Asia and, in particular, Kyrgyzstan, in counteracting these growing threats, will constitute a significant contribution by the organization in strengthening regional security. This is the goal of the OSCE conference initiated by Kyrgyzstan on the problems of extremism and terrorism, which will start its work tomorrow in Bishkek. We welcome participation of the representative of the OSCE Commission in the work of this important forum. Invitations to this conference have been sent by the Minister of Foreign Affairs of the Kyrgyz Republic, Mr. M. Imanaliev, to the co-chairman of the OSCE Commission, Congressman C. Smith and to Congressman George Pitts, member of the commission. We expect much from this conference, which should facilitate the activation of regional and international cooperation in the fight with this evil.

In his speech before the Permanent council of OSCE in Vienna in September of this year, President Akaev noted, "Afghanistan is the main source of regional terrorist threat. We currently face an increase in this threat with all its destabilizing by-products. The Afghan situation should be of equal importance in the OSCE agenda as is the Balkan problem. In this regard, I would like to remind you of one Kyrgyz initiative: As you may recall, during the Istanbul Summit of OSCE, I proposed conducting a forum/dialogue between OSCE and the Islamic Conference Organization on issues of regional security. This initiative was supported at the OIC summit, which took place in Qatar the previous year, where a decision was made to create an OIC working group to study this issue. I believe that after this reaction, OIC and OSCE may take steps towards creating such a dialogue between these two authoritative organizations. Undoubtedly, the situation in Afghanistan and its neighboring areas should be the primary topic of discussion.

It is important to study the possibility of strengthening the role of the institute of the special representative of OSCE in Central Asia, expanding his duties in the framework of preventive diplomacy. It would also be useful to expand the practice of conducting regional round-tables under the umbrella of OSCE with the purpose of studying the most pressing issues of regional security. It is worth considering the idea of affording legal status to the OSCE in order to undertake more decisive measures and steps within the framework of the OSCE mandate in its three main missions—first of all in the issues of security." We believe that these proposals by the Kyrgyz President will be of interest to the OSCE and that we can count on your support.

Mr. Chairman, the establishment of democracy, the rule of law, and defense of human rights are the fundamental and natural choices of Kyrgyzstan since the first days of its independence. Why natural? Let me illustrate with an example from our history: In 1995 in our country, under the aegis of UNESCO, we celebrated the 1000th anniversary of the epic poem "Manas"—about the legendary ancient hero who led the Kyrgyz in the fight for freedom. When we gave the Manas epic as a gift to several of our American friends, we were amazed that they

discovered some fascinating historical facts which we took for granted since it is part of our daily lives and culture: To mention just a few, they noted that free and open elections of our ancestors' leaders and of "Beey's" –or judges took place in those ancient times. Of particular interest was the role of Kyrgyz women. It is well known that they never covered their faces. A very famous part of our history is occupied by Kurmandzan Datka, a woman who lived in the last century, and who was elected by the nation above six other candidates—all men — to be the queen of Southern Kyrgyzstan. Thanks to her wisdom and foresight, she ruled for 50 years. What conclusion can we draw from this? Love of freedom and independence were the hallmarks of our nomadic peoples. These qualities are deeply rooted in our nation. We are currently trying to resurrect many of these attributes but it takes time.

This year, Kyrgyzstan celebrated its 10th anniversary of independence. These ten years were marked by the building and strengthening of democratic institutions, and by attempts to establish the foundations of a civil society while conducting economic reforms. In the multinational country of Kyrgyzstan, ethnic and religious freedom is a fact. The policy of "Kyrgyzstan-Our Common Home," pursued by the leadership of our country, became the solid basis for inter-ethnic tolerance. As a result, Kyrgyzstan has avoided international conflicts which, unfortunately, plague many other countries in the post-Soviet era. At present, there exist in our country true political pluralism, freedom of expression, and more than 600 different print and electronic mass media resources out of which only about 70 belong to the government. Political parties and more than 3000 non-governmental organizations function freely. Our government consistently pursues a policy of openness. Regardless of numerous threats to our security from various extremist groups, all the conditions have been established for the free movement of our citizens—both internally as well as outside the borders of our country. In this regard, I would like to thank many members of the US Congress and Senator S. Brownback, Congressmen Joe Pitts and Howard Berman in particular, who, noting this achievement, supported legislation providing to Kyrgyzstan "Permanent Normal Trade Relations" with the United States last year.

From the moment of gaining its independence, the development of a modern telecommunications system became the priority of our country's strategic goals. This was done in order to allow our citizens to have unbounded capability to communicate with the outside world. The Internet became a commonplace phenomenon for our society, which makes us one of the leading countries in the post-Soviet era in this arena. Our country's leadership is committed to the education and development of our younger generation. As Thomas Jefferson once said, "Education is the key to unlock the golden door of freedom." Our youth has a great thirst for knowledge and information and a desire to understand and establish communications with the outside world. We are dedicated to realizing their dreams and truly unlocking this golden door to their freedom. In this regard, one of the most important achievements (and also one of the largest and most significant investments from the US to Kyrgyzstan) was the opening of the American University of Kyrgyzstan in our capital, which has become through assistance of the Open Society of George Soros and University of Indiana one of the most popular educational institutions in the region. The President of Kyrgyzstan, himself a learned scientist and scholar, personally supported in 1993 together with the Vice-president Al Gore the initiative of establishing

this university with its independent structure. We are also grateful for the support to American University from the Honorary Professor of the University, member of Helsinki Commission senator Hillary Rodham Clinton,.

During this period of building democracy, our Republic signed 23 international treaties and conventions on human rights, thus confirming its commitment to the primacy of universal democratic standards in this realm and to its effective cooperation with OSCE and the UN as well as with other international organizations in the area of human rights. We continue to work on deepening the process of democratization, reforming the legislative system in accordance with the norms of international law in the area of human rights and freedom, especially considering those mistakes and shortcomings which took place last year. To this end, the President issued a decree entitled "Measures of Strengthening the Effectiveness of Securing Human Rights and Freedom for the Citizens of the Kyrgyz Republic." In relation to this decree, consistent work is underway to develop a new concept of formulating an independent and strong judicial system and law enforcement institutions, elevating the public's legal awareness, and strengthening lawfulness in the country.

Steps are being undertaken at the legislative level to insure guarantees of freedom of the press. For example, the parliament is considering a draft law submitted by the government to create a human rights ombudsman, which would facilitate the establishment of a balance of powers between the leadership and the citizens in issues of human rights. Round table discussions are conducted on a constant basis between officials and representatives of various political parties and non-governmental organizations, at which both sides exchange ideas about actual problems concerning the nation's development and where they work out practical solutions to realize the country's goals and vision. One of the realistic and effective steps towards decentralizing government became the introduction of local self-rule in all the rural areas of the country. This week, the first elections by popular vote of leaders of local governments will take place.

Taking into account all these positive measures which attest to the long term goals of reform in the country, I would like to mention that all of this has been possible thanks to the help of the international community, and in particular, the United States of America for our young democracy. Our nation is grateful to the United States, which has been a true and consistent friend of our country for far-reaching assistance which has constituted approximately half a billion dollars of aid in these past 10 years.

Regardless of all the above-mentioned achievements in the realm of democracy and human rights, we must admit that not everything went as perfectly as desired. The road to building a democracy is a rocky one and we have been on that road for a mere 10 years. We have from the beginning, however, been dedicated to the ideals of democracy and human rights. We respect and appreciate constructive criticism issuing from human rights and non-governmental organizations.

I would like to underscore that the continuation of deepening the democratic reforms in Kyrgyzstan is not merely a reaction to criticism of human rights organizations, but rather is an indispensable need and irrevocable desire and will of our people.

Thank you very much for your kind attention.

EMBASSY OF THE KYRGYZSTAN REPUBLIC
1732 Wisconsin Ave.., NW., Washington, D.C. 20007
January 31, 2002

The Honorable CHRISTOPHER SMITH
Co-Chairman, Commission on Security and Cooperation in Europe
234 Ford House Office Building, Washington, D.C. 20515

Dear MR. CO-CHAIRMAN:

The issue of democracy and human rights became a cornerstone of the contemporary thinking of the world society. From the beginning of its independence the Kyrgyz Republic embarked upon the path of irrevocable democratic reforms and building a strong market-oriented economy.

Living through this unprecedented experiment of the transition from the socialist system to the capitalist one, the leaders of Kyrgyzstan are strongly committed to continue the comprehensive reforms being currently implemented in our Republic. We have achieved a great deal in this direction made possible by the invaluable assistance and support of the western democracies and the United States in particular.

At the same time we never assume that everything runs smoothly. We feel ourselves responsible for the future of our people, therefore we try to listen to our friends and critics who may not agree with what is happening in Kyrgyzstan.

We welcome discussions both at home and abroad about human rights and democracy in Kyrgyzstan because we believe that only joint efforts on the part of the government, different political parties, and non-governmental organizations can create consensus on ways we can build a true democratic society in my country. The recent hearing on Kyrgyzstan in U.S. Congress Helsinki Commission gave us a genuine opportunity to share with you and your colleagues our views and ideas on the current situation in the Republic in the realm of democratic development.

As you remember, we agreed during the hearings on December 12, 2001 that I would provide some additional information regarding the questions you raised at that time. Your first question was about the provisions and purposes of the draft law on Ombudsman; the second one was related to the case of Mr. Feliks Kulov.

Let me briefly answer those two questions.

Question: Would Mr. Feliks Kulov have been prosecuted if elected to the Kyrgyz Parliament in 1998?

Answer: He would have been prosecuted because in accordance with Article 43 on the status of deputy of the Legislative Assembly and the Assembly of the People's Representatives of the Jogorku Kenesh (Parliament) of the Kyrgyz Republic dated April 16, 1997, deputies of the Parliament shall not be prosecuted or held responsible during the performance of the deputy functions. In the case of violation of laws which are not related to their professional activities, he/she may be prosecuted on a general basis. Therefore, even if Mr. F. Kulov won his seat in the Kyrgyz Parliament he would have been prosecuted because his case had a criminal nature.

Question: What is the state of the project on the establishment of the Ombudsman Institution in Kyrgyzstan?

Answer: The initiative on the establishment of the independent institution on human rights in Kyrgyzstan rests with the President of the Kyrgyz Republic Mr. Askar Akaev. This initiative came out as the result of the meeting between Mr. Akaev and the OSCE High Commissioner on national minorities, Mr. M. Van der Stoel. At that meeting Mr. Van der Stoel proposed to set up an independent body in Kyrgyzstan which would provide and protect the rights of minorities. Having supported this idea, Mr. Akaev, in his turn, proposed the establishment of an independent democratic institution like the Ombudsman institution which would have a much wider scope with respect to tasks and goals.

This proposal was fully supported by the OSCE High Commissioner, and Mr.Van der Stoel expressed his desire to cooperate on this issue. As the result of two years joint work of the Presidential Administration, the Office of the Prime-Minister, OSCE, some human-rights non-governmental organizations we have a governmental draft Law on Ombudsman in the Kyrgyz Republic. The main objective now is to work out such provisions of this law which would grant the real independence to not only the Ombudsman himself/herself but to all his/her staff.

On 12 February 2001, the OSCE office in Bishkek held a roundtable discussion on the draft in the Jogorku Kenesh (Parliament of the Kyrgyz Republic). This discussion was organized by the OSCE office with the support of the OSCE/ODIHR as a follow-up to the OSCE/ODIHR project "Assistance to Ombudsman Institution Establishment."

The main goal of the roundtable was to raise public awareness on the importance of introducing an Ombudsman in Kyrgyzstan. The participants raised the issue of the election of Ombudsman, and relations between Ombudsman and the government, including the judicial and law-enforcement bodies. Furthermore, it was intended to initiate a public discussion on this issue between authorities and civil society. This was the first time after the year 2000 parliamentary and presidential elections that government, opposition, NGOs and mass media gathered around one table and established dialogue, constructively discussing an issue.

More than sixty persons attended the roundtable. Included were representatives of the Presidential Administration, Government, Parliament, political parties, Human Rights NGOs, the Prosecutor General Office and mass media. As a follow-up, the OSCE office, together with the National Democratic Institute (NDI) held a parliamentarian hearing on the draft law in March 2001.

The draft law on Ombudsman is currently pending on parliamentary agenda for September 2002 for the second reading.

Sincerely,

BAKTYBEK ABDRISAEV

PREPARED STATEMENT OF DR. MARTHA BRILL OLCOTT, SENIOR ASSOCIATE, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

Kyrgyzstan is a vexing case from the vantage point of US observers of the Central Asian region. It has made the most progress toward building an open society of any state in the region. But after a promising start, the progress of the early years has slowed to a virtual halt, and there have been many reverses in almost every aspect of political life. Elections have become less free and less fair, the press is under substantial official pressure, the parliament has had its functions dramatically reduced, the leaders of Kyrgyzstan's human rights groups have been hounded, and Kyrgyzstan's most prominent opposition figure is in jail.

Kyrgyzstan is really coming to a turning point. Any further deterioration in its political conditions will justifiably earn it the label of an authoritarian state. Many already consider it to be one, although most would grant that it is the softest of the region's authoritarian regimes.

The US should find new ways to engage with the Kyrgyz government, in order to get them to once again take seriously their domestic political obligations as members of the OSCE. This will not be very easy to do, given that the overwhelming preoccupation of Kyrgyzstan's leaders, like those of most other states in the region, has been with trying to control external challenges to domestic security. These security concerns have been used to explain away failings of democratic political institution-building. Athough in fairness some of these security concerns are real and addressing them has eaten up an enormous amount of official attention.

Kyrgyz officials maintain that democracy is a luxury that their small and largely impoverished state can no longer afford, and we must all work to convince them that quite the reverse is true. In fact, the Kyrgyz cannot afford to not be democratic.

THE END OF THE HONEYMOON

It is the failures of state-building that are creating the security risks that are emanating from the Central Asian region. Ironically, unlike a decade ago, when Russia still set much of the economic and political agenda for these states as well as dominating their security relations, the current crisis in political institution-building is very much a product of decisions made in the national capitals themselves. It is also oftentimes in disregard of advice received from western governments, with western financial institutions, and international organizations like the OSCE.

But the honeymoon period associated with independence is coming to an end, and comparatively speaking it has been a honeymoon period here. Notwithstanding the civil war in Tajikistan, the situation in Central Asia has been far more peaceful over the past decade than many observers initially anticipated.

However, the region faces major security risks that are fueled in part by the instability in neighboring Afghanistan, from the Islamic terrorist networks that originally took refuge there, and by the drug trade that is likely to be further stimulated by the return to power of elements of the Northern Alliance.

But the real danger that these states face comes from within. Advocates of democracy building may be frustrated by some of the changes occurring in Russian, but the situation there is quite positive in comparison to that found in Central Asia. Governments in states like Kazakhstan and Kyrgyzstan which had initially given at least limited endorsement to the ideals of democratic reform are now sharply restricting the freedom of action of their citizens and are eliminating any meaningful role for political opposition groups to play. As a result many are growing more frustrated by the increasing social and economic inequalities that now characterize their societies and by the diminishing opportunities to express their dissatisfaction by legal channels in the existing political system.

Political institution-building is faltering. and the pace of economic reform has slowed as well. Much of the blame for this needs to be placed squarely on the region's leaders, and the assumptions they are making about what is the nature of the challenges they face and how best to face them. The leaders of Kyrgyzstan are no exception to this pattern.

This testimony focuses on six of these assumptions, and shows how they are each increasing the risks of instability in the region.

Assumption One: Independence in and of itself is a political solution. In reality independence is simply a change in juridical status, albeit a critical one to be sure, especially for the ruling elite. One of the causes of the current crisis in Kyrgyzstan is that the elite view themselves as newly empowered, which has stimulated corruption in and around the ruling family. At the same time the masses see independence as something of a trick.

For them, in the absence of institutional development, the only real difference in their lives is a change in psychological status, and the ephemeral benefits that it provides. Ethnic Kyrgyz may have initially believed that they have gained status from independence, by simply having their ethnic community join the list of sovereign states. But this perception of psychological empowerment is diminishing with time. Those who live in a country should feel some sort of stake in its future, or failing that, feel some hope for their own future or that of their children.

But the rulers and the ruled seem to tell time in different ways. Most people need the hope that things will improve either in their lifetime or that of their children. Those born in the Soviet Union were raised on a diet of "deferred gratification," and all independence seems to have brought is a new version of the old dietary staple.

The leaders of Kyrgyzstan inherited pressing economic and social problems with independence, some breathing room to try to solve them, and a host of new symbolic weapons to use in their efforts to appease the population. Central to this was the myth that independence in and of itself would be a source of a better life for the citizens of Kyrgyzstan. However, after ten years of independence, the poor are growing poorer and recovery seems beyond their reach.

Kyrgyzstan would not be the first to experience state-collapse as a stage in the state-building process. There have been many failed states, particularly in Africa, states which preserve their de jure independence but are lawless or chaotic societies in which anarchy or civil unrest prevails.

Decolonization in Central Asia is becoming increasingly more reminiscent of what occurred in parts of sub-Saharan Africa, where a number of states have spent the past forty years stepping backwards from the levels of development that characterized their country and its population at the time of independence or in the first decade after independence was achieved.

ASSUMPTION TWO: REGIONAL ORGANIZATIONS CAN HELP SOLVE COMMON PROBLEMS

Weak states make weak partners, and organizations composed almost entirely of weak states are doomed to be ineffective. However, it is the very weakness of these states that has been pushing them both to establish regional organizations to manage common threats and problems as well as hindering these organizations once they are established.

Kyrgyzstan has fallen particular victim to the failure of the Central Asian states to develop a new regional identity, a regional market or an effective regional security system.

All five Central Asian states share a common water system and long shared a common energy grid and highway system. All of these are coming unraveled at considerable cost to all involved. Weaker states are still able to threaten the stability of their somewhat stronger neighbors. We saw this quite clearly in the late 1990s when armed Uzbek groups took refuge in Tajikistan (in particular fighters of the Islamic Movement of Uzbekistan (IMU) who are allied with Juman Namangani) and then crept into the high mountains of Kyrgyzstan to get a better vantage point for forays into Uzbekistan's Ferghana Valley.

The events of September 11 have helped spur the Central Asian states towards a more effective regional approach to try to solve the previously unhampered movement of international terrorist groups across the new national boundaries. It has yet to yield effective new initiatives for other regional security problems, such as narcotrafficking.

In the long-run, though, water management is likely to prove to be the region's most deadly potential security problem, worse even then the consequences of the capture of the economy by narcobusiness or the impact that the increasingly more popular Islamic groups are likely to have on these societies. Kyrgyzstan is now moving toward charging for the water it supplies to downstream users, both in Kazakhstan and Uzbekistan. In Soviet times, and for the first decade of independence, this water was provided for free, while the upkeep of reservoirs are paid for by the country in which they are found. Kyrgyzstan's new plan to charge for water remains highly contentious, but efforts to create a new regional water-management system have floundered, despite offers by both the United Kingdom and the United States to sponsor a regional dialogue.

The Central Asian states have turned to a number of regional configurations to try to solve their problems. Initially the region's leaders hoped that their membership in the CIS (Commonwealth of Independent States) would provide an effective forum. One of the major problems that everyone hoped that the CIS would deal with was the question of delineation of national borders, which was frozen by common consent of the CIS members. However, in 1999, after the incompetence of this organization became wholly apparent to all concerned, Uzbekistan began to unilaterally delineate its own borders, citing the security threat from the February 1999 bombings in Tashkent. Uzbekistan's unilat-

eral behavior has caused real hardships in many Kyrgyz villages in the southern part of the country, which have seen communities isolated from basic services and farmers denied access to fields or traditional sources of water.

Uzbekistan is also the major source of gas for Kyrgyzstan. Like the Russians, the Uzbeks are quick to turn off the spigot when debts mount, and like the Russians they are not above using these energy supplies to extract other kinds of concessions. For example, at the height of the heating season in winter 2001, the Uzbeks managed to get the Kyrgyz to agree in principle to a territorial exchange, where the Kyrgyz got some marginal pastureland and the Uzbeks a direct highway link to the previously isolated Uzbek enclave contained within Kyrgyzstan.

This kind of behavior dealt a serious blow to the Central Asian Economic Community, which was established in 1994, and now consists of Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan. With the exception of WTO member Kyrgyzstan, none of these states is willing to surrender sovereignty to a multilateral organization.

Nowhere is this more evident than in the area of trade and finance. Whereas Central Asia could have formed an attractive market of more than fifty-million people, each of the countries has adopted some form of economic protectionism, except for Kyrgyzstan. In some places, like Turkmenistan and Uzbekistan, these barriers support a weak and indefensible currency, while for the Kazakhs they have been largely retaliatory.

The net effect of all of these barriers is to introduce hardships on those millions of Central Asians whose livelihoods were somehow dependent upon cross-border trade, and to further dampen the prospects for foreign investment in light industry throughout the region. This has been especially crippling in Kyrgyzstan, which was dependent upon the creation of a regional market in order to spark foreign direct investment, and which had hoped to emerge as a regional banking center. Instead, there is no regional market and Kyrgyzstan's banks remain weak.

ASSUMPTION THREE: POLITICAL SUCCESSION CAN BE SUCCESSFULLY STAGE-MANAGED

Over the past several years the region's leaders have begun to age, and in some cases become noticeably physically frailer, but the pace of institutional development has slowed even further.

Five years ago there was still faint hope that two of the region's most popular leaders, Presidents Akayev and Nazarbayev, might consent to participate in free and fair presidential elections, and that after their second term of office they would accept existing constitutional limitations and step down from office, setting the precedent of a peaceful transfer of power that is founded on political institutions.

These hopes were short-lived. Kazakhstan and Kyrgyzstan changed their constitutions in the mid-1990s, and then, in the late 1990s, once again held presidential elections that fell far short of international norms, and now each of region's leaders has seemingly set himself up as president for life, with little formal planning for what comes afterwards.

Some of the constitutions provide for a formal succession process, but invariably the designated successor's post is filled by a political lightweight whose ambitions pose no threats to the country's incumbent strong-man.

The one exception to this pattern could be Kyrgyzstan, as President Askar Akayev has been signaling that he doesn't plan to press for further constitutional modifications to enable him to continue to run for reelection. However, his critics claim that this is a ruse, designed to appease a western audience. The only way that Akayev can convince observers of his sincerity is to make determined steps to free up the political process and create new institutions for elite recruitment.

At the same time, all in the region are watching with interest efforts by Azerbaijan's President Heydar Aliev to have his son, Ilham, designated as his heir. Many in Kyrgyzstan believe that President Akayev will also try to arrange a transfer of power to one of his children, especially if distant relative Nursultan Nazarbayev in Kazakhstan successfully pursues such a strategy. Akayev is rumored to be grooming his young son Aidan, who was educated in the United States.

Efforts to reinstate some sort of modern-day princely system become very dangerous. Over the past five years, Central Asia's leaders have been honing their "winner-take-all" philosophy. But the societies that they rule are complex, and filled with populations that are reluctant to accept a loss of the benefits that they are used to enjoying, and replete with former political and economic stakeholders who are used to being accommodated.

In Kyrgyzstan, as elsewhere, members of the elite from disfavored clans and families have been sitting by, waiting for the opportunity to grasp more economic and political power. As institutions to ensure a peaceful transfer of power do not exist, there is no foundation on which for them to rest their hopes.

In Kyrgyzstan, though, the competition between ethnic and social groups is not as keen as in some of the other countries in the region. Kyrgyzstan's President Akayev could give hope to the elite in all of the region, if he sets an example of a voluntary resignation of power.

However, developments in recent years in Kyrgyzstan have not been encouraging. Citing the difficulties of the transition process, the rulers of the region have become increasingly more interested in insulating themselves from the ruled than in dealing with their grievances, which has the further advantage of allowing those in power to accumulate a disproportionate amount of assets.

Even if the rumors that circulate about the Akayev family wealth prove to be exaggerated, the arrests of opposition leader Topchubek Turgunaliyev, from the "Erkindik" opposition party, and former Vice-President Feliks Kulov served as a warning to any who might try and rock the boat of state in any way. Turgunaliyev, who was released in 2001, a rather ineffectual former academic, was initially sentenced to 16 years in jail, while Kulov was given seven years of hard time, with the prospect of more to come. The dampening of opposition has certainly worked to the benefit of the ruling Kyrgyz family, as now President Akayev's close and distant relatives are likely to have fewer roadblocks placed in their way as they seek to consolidate their economic holdings.

With every passing year the number of "winners" in Kyrgyzstan seems to grow smaller, and it is becoming more difficult for those outside of the ruling circles to share in the economic and political spoils, and the criteria for inclusion in the inner circles is growing ever more restrictive.

ASSUMPTION FOUR: THERE IS NO POPULAR SUPPORT FOR DEMOCRATIC DEVELOPMENT

Even in Kyrgyzstan, where the leadership used to pride itself on the country's traditional nomadic form of democracy, the current regime is quick to defend the political choices that it is making as natural, and in keeping with the culture and history of the population that it is ruling. The same Kyrgyz population is now said to lack the experience and the cultural underpinnings necessary to support a democratic polity. It is easy to find non-democratic or authoritarian episodes in the history of any people, and of course the histories of those living in Central Asia are no exception. But it is a racist argument to claim that one people is more or less fit for democracy than another.

Throughout Central Asia a committed minority remains in place, eager to see democratic development move forward. Nowhere is this more true than in Kyrgyzstan, where the informal political organization movement is much more firmly entrenched and widely dispersed than anywhere else in the region.

President Akayev's most prominent critic, former Vice President Kulov, currently imprisoned on charges on which he was initially acquitted, had ample opportunity to flee the country between the two arrests, but chose to stay and become a political symbol instead, and his fate continues to provoke small but regular public protests and demonstrations.

ASSUMPTION FIVE: ETHNO-NATIONALISM CAN BE THE BUILDING BLOCK OF PATRIOTISM

While the Kyrgyz government seems to feel competent to deal with the threats from the new democratic groups, but they continue to be concerned about competing ideologies based in regional, subethnic, or supra-ethnic ties. To counter these they are trying to use Soviet-style social engineering techniques, to create new political loyalites that use the Soviet-era ethnic divisions as the building blocks of a new national consensus. In the case of the Kyrgyz, though, these efforts are more focused on tolerance for ethnic minorities, while others, such as the Uzbeks, are trying to recast ethno-nationalism as civic patriotism.

Most Central Asians' understanding of nationality and ethnic identity is still shaped by the Stalin-era divisions of society that divided the Soviet population into well over a hundred ethnic communities, which each enjoyed varying legal statuses based on size, history, economic capacity and location. In all of Central Asia independence has led to a growing sense of ethnic empowerment by the titular nationality, but this is not generally translating itself into political loyalty, in part because the state is doing such a poor job of meeting popular expectations in the social sphere.

Inter-ethnic tensions in Kyrgyzstan are not as politicized as in many other parts of the region. The Kyrgyz government has tried to accommodate the local Russian population, going so far as sponsoring legislation that would give the Russian language the same legal status as the

Kyrgyz language. But over the past dozen years much of the able-bodied Russian population has moved out, although some have returned, and most cite economic rather than political reasons as the cause for their departure.

The decision to leave the region is really quite a rational one. Ethnic Russians have realized their future opportunities are limited. This is true even in Kyrgyzstan, where the fate of the Russian language is distinct from that of the Russian nationality, a situation analogous to what happened in post-colonial India and Pakistan, where English remained the leading language long after the departure of the English themselves.

In the early years of independence some of Kyrgyzsstan's local Russian population held out hope that Russia would strongly champion the cause of their "stranded compatriots." But even in places where the situation of such people was acute, unlike that in Kyrgyzstan, the Russian government declined to play such a role

But the problem of "abandonned" conationals is still very much in evidence in Kyrgyzstan, where the Uzbeks have the largest irredentist population of all, and this is a population that is neither quiescent nor seriously agitated. Kyrgyzstan's Uzbeks do appear to feel like second-class citizens, but also seem very cognizant of how much more economic and political opportunity that they enjoy than their relatives in Uzbekistan.

At the same time, the process of post-colonial societal redefinition has already begun, although as in Soviet times, nationality continues to be recorded on passports and most other official documents. Assimilation is already taking place among those who are deemed "marginal" to the titular nationality, people who came from ethnically mixed families or were members of subethnic groups represented in two different national communities, such as the Kipchak, a tribal group found among Kazakhs, Kyrgyz and Uzbeks.

While on the one hand the dominant nationalities in each country are consolidating, they are also breaking down. Both patterns are often observed in the same country, where in some areas new groups are coming to identify with the dominant nationality, while in other regions there is an increase in subethnic identity, be it clan, zhuz, or a local territorially based identity. It is still unclear in many cases what will be the dominant political influence, centripetal or centrifugal forces. Subethnic identities are strong enough to successfully undermine states, if the right preconditions were in place.

ASSUMPTION SIX: ISLAM IS FUNDAMENTALLY DANGEROUS AND MUST BE CONTAINED

In the absence of a civil society, there are few secular political institutions around which opposition can coalesce. Islam, especially the mosque and the medresseh, is increasingly becoming a more attractive organizational center for ethnic Kyrgyz as well as ethnic Uzbeks, and it is very difficult to restrict popular access to it. As a result, the advocacy of Islamic goals can be useful for both the regime's supporters as well as for its detractors. Everything depends on the rules of the game, and these are still in flux.

The challenge posed by Islam remains particularly acute in Uzbekistan. Islam is particularly deeply rooted in many parts of the country, and the precedent of competition between Islamic fundamentalists, mod-

ernists, and Islamic conservatives is a well-established one. All three traditions withstood the vicissitudes of Soviet rule. Some of today's radical groups even have their roots in an anti-Russian uprising that occurred in the Ferghana Valley in 1898, and a few of the leaders even studied with a "holy-man" who witnessed the revolt as a young child, and who—much to Soviet displeasure ûsurvived to a very old age. This revival easily reaches into Kyrgyzstan, through the Ferghana Valley.

Although by no means as vigorous an opponent of extreme Islamic groups as the Uzbek government, Kyrgyz authorities strongly feel that religion can be managed by the state, as can the development of Islam, and that governments are competent enough to influence the social evolution of society.

The Central Asian elite, of course, is not formally against Islam, but is very wary of revivalist or fundamentalist Islam, of people who are eager to live by "the exact teachings of the book." What they want is to keep these republics as secular states, and to prevent devout Muslims from forcing all of their co-religionists into the public observance of the faith. Even in Kyrgyzstan pressure on secular elements to conform to religious precepts is strong.

The relationship of religion to mass belief is much more complex and interactive than the region's leaders credit it with being. Though the governments of Central Asia are in no position to regulate the religious beliefs of the masses, they may exert their influence on social processes. But in trying to do so, these governments could inadvertently trigger social explosions.

CONCLUSION

It is for this reason that Kyrgyzstan's government must once again broaden the political sphere available to most ordinary citizens, to include a host of secular alternative. For without this, the country has no real safety valve to use to release social pressure.

But political liberalization alone is not the answer. Kyrgyzstan's social pressure cooker must be dealt with more directly as well, through programs that will effectively help alleviate the country's poverty. This in turn means continued attention to see through the country's program of macroeconomic reform and vigilant efforts to improve transparency and address corruption.

The failure of Central Asia to develop a regional market will continue to be very costly for Kyrgyzstan. This means that the government of Kyrgyzstan has to pay particular attention to trying to "get it right" economically. Instead, the tendency in recent years has been to use concentrated political power to hide the country's economic wrongs. This may silence criticism but it doesn't get at its roots.

The enclave of Sokh was juridically part of Uzbekistan but fully physically contained within Kyrgyzstan. When word of this agreement, signed on February 26, 2001, leaked out in April, the Kyrgyz were quick to stress its provisional character, but members of Kyrgyzstan's parliament began to call for President Askar Akayev's resignation.

Presidential elections were originally set for early 1996 in Kazakhstan, and December 1995 in Kyrgyzstan. Constitutional provisions set term limits two consecutive terms in both countries.

Presidential elections were again held in Kazakhstan in January 1999 and in October 2000 in Kyrgyzstan. In both elections the president's principal opponent was effectively barred from running, former Prime Minister Akezhan Kazhegeldin in Kazakhstan was banned because he had a record of administrative arrest, earned by holding an unsanctioned political rally. In Kyrgyzstan, former Vice-President Feliks Kulov, opted not to take a mandatory language test, after other candidates who were native speakers of Kyrgyz had failed it. Kazhegeldin, who served as Prime Minister of Kazakhstan from 1994 to 1997, headed the Republican People's Party of Kazakhstan (RPPK). Lieutenant General Feliks Kulov was Kyrgyzstan's former Vice-President, as well as former Minister of Defense, former Governor of the Chui region, former Mayor of Bishkek, and leader of the Ar-Namys (Dignity) political party.

PREPARED STATEMENT OF NAILA KULOVA, WIFE OF FELIX KULOV

The name of Feliks Kulov went down into modem history of Kyrgyzstan. It is not because he has held such important government positions as the Vice-President of Kyrgyzstan, Minister of the National Security, Governor, or Mayor of the city of Bishkek. His name became known in the beginning of 1990s when he managed to prevent the civil split in the country.

In 1991 in the time of an attempted coup d'etat in the Soviet Union, Kulov due to his resolute and independent actions and decisions helped the President of Kyrgyzstan to keep the honor and dignity of a newly independent state entering the road of democracy. Following those events the people of the country started calling Feliks Kulov "people's general."

His growing popularity, authority, and the trust of people to one of the most prominent political leaders in the Republic became the cause of irritation for the President and supporting him figures as well as the cause of their concern to lose power.

That's why the immediate circle of Akaev and the President himself resorted to the dirtiest means with the aim of discrediting and undermining Feliks Kulov's influence in the country. An open persecution started in the media made him resign from the position of the Mayor of Bishkek. It was a justified decision demonstrating the firmness of his political believes.

Right after his resignation in April of 1999, Feliks Kulov formed a political party "Ar-Namys" ("Dignity") that was repeatedly criticizing the policy carried out by the President and proposed to implement necessary reforms in the economy, judicial and legislative systems. In March of 2000 after grossly falsified parliamentary elections were held, and in anticipation of the presidential elections, there was a criminal suite filed against Feliks Kulov based on fabricated charges. As a result, he was sentenced to seven years' imprisonment with the confiscation of all the property rights and stripped of his rank of a lieutenant-general. To hide the truth from the people of Kyrgyzstan and international agencies defending human rights, the court hearing was secret. Later on, in February of 2001, to exclude Kulov from the political life of the country for a long period of time the Service of the National Security opened a new falsified criminal case against him.

Serving at the post of Minister of National Security, Kulov more than once addressed the President, Speakers of the both Houses of Parliament, and the Prime-Minister on the issue of a dangerous situation in the south of the Republic where there existed a threat posed by the Talibans to the security and sovereignty of the Republic. Kulov formed anti-terrorist group "Kalkan" ("Shield") consisting of the professionals who had experience of fight against terrorism in Afghanistan and who took a course of training in the United States. The task of the group was to control the situation and carry out anti-terrorist operations in the regions bordering Tajikistan where such a threat existed. For the first time there was a success in infiltrating the terrorists' ranks located at that time in Tajikistan with his agents. As a result in the fall of 1997 and March of 1998 two terrorists acts were prevented on the territory of Kyrgyzstan and Uzbekistan.

After Kulov's resignation from the post of the Minister of National Security newly appointed minister M. Ashyrkulov, physicist by his specialty, and the best friend of Akayev, made a mess of all the intelligence

service structures, disbanded anti-terrorist center "Kalkan," fired many expert intelligence officers on the only ground that they worked with Kulov.

It was at that time when the Department of Intelligence Service and Counterespionage demonstrated their absolute inability and absence of readiness to fight back the attack of terrorists in the south of the country in August of 1999. The next day following the attack Akaev said that the terrorists' attack was a complete surprise for him. That statement runs counter to the facts, because Akaev, as Commander-in-Chief of the Military Forces, was more than once informed on the necessity to focus on gradual relocation of the military units. Moreover, Akaev made anti-constitutional reorganization of the Ministry of National Security that was part of the government of the Republic into the Service of National Security under the President. Thus, he turned that agency into a tool suitable for the suppression of the opposition and forces resisting his policy in the country. Currently, the Service of National Security is a private instrument for Akaev.

In August of 2001 Akaev presented his book *The Unforgettable Ten Years* where he accused Kulov in "unbridled thirst for power," that Kulov's goal was "to lead the opposition and satisfy his old ambitions—to become a president." The whole book gives an impression of a direct attempt to put pressure on the court that was hearing the next "ordered" criminal case against Kulov, and influence the court's verdict. The facts presented in the chapter "On F. Kulov" are absolutely invalid and discredit honor and dignity of Kulov. Thus, Akaev is the initiator of keeping Kulov as a real contender to the post of the President away from the political arena of the country.

Such organizations as The International League for Human Rights, Human Rights Watch, OSCE, Sakharov's Fund (Ms. Bonner), and individuals: Ms. Madeline K. Albright (in her capacity of U.S. Secretary of State), Congresswoman Anna Eshoo, Congressman Charles Rangel, deputies of the State Duma of the Russian Federation, and others appealed to Akaev many times with a request to make the only right decision in the case of Kulov—stop his persecutions in observance of the human rights guaranteed to the citizens by the Constitution of the Kyrgyz Republic. Such appeals were ignored. Our appeals to the Presidents of the neighboring countries convinced us in a futility of our efforts, they did not bring about any positive results but only empty hopes and useless expectations.

It has been already seven months since we are in the United States in a status of refugees, and Klara Kulova, sister of Feliks, is seeking a political asylum here.

We hope that the Congress of the United States will pay attention to the issue of Feliks Kulov.

We are addressing you, as people who showed their devotion to the ideals of democracy and their readiness to protect them in practice with disregard to the distance that separates this country from the countries where human rights are violated. Despotism of the Kyrgyz authorities must be put to an end. And the first step in this direction is the release of Feliks Kulov.

Please accept our sincere gratitude for the care and support we received in this country.

THE FAMILY OF FELIKS KULOV

PREPARED STATEMENT OF ANARA MAMBETOVA-FINKELSTEIN

Human rights violations by the Kyrgyz authorities have been criticized in a most serious fashion by international human rights organizations and cited by governmental agencies, including this United State's Commission on Security and Cooperation in Europe. Having learned with relatively short notice about today's hearings, I did not have enough time to prepare a testimony on the numerous cases of violations of Kyrgyz citizens' human rights. Now I would like to only punctuate just a few, especially notable, features of such violations related to the prosecution of only one jailed and deprived of a chance to be heard person—leader of the political party Ar-Namys, Feliks Kulov. Those facts are especially indicative of the arbitrariness of the Kyrgyz authority's judicial practices and, as it seems to me, might be unknown to the members of this respectable Commission.

COERCION OF TESTIMONY

The first feature that I would like to bring up is the fact that all the so-called material witnesses, borrowing a term from the American judicial system, have been forcibly coerced to testify against F. Kulov. As it is known, there are three criminal cases brought against him and in all of them the security service has extensively used the coercion of testimony as its "professional tool." Just to name a few of those who have been suggested directly or allusively to bring false evidences: D. Bakchiev, N. Tokonoev, N. Kurochkin, K. Sheyshekeev, A. Ayupov, U. Kudaibergenov, A. Gasanov and many others. According to F. Kulov's lawyer, Ms. Lyubov Ivanova, many government officials, who had ever been under Kulov's charge, while the latter held public office, have been also approached with the same kind of suggestion to "cooperate" with law enforcement. The only one who responded positively was a security forces secret agent, K. Sheyshekeev. This individual's testimony has solely become the grounds for finding F. Kulov guilty and convicting him with regards to the first case, the hearings on which were held in secret. Another person among those whom I have named, Mr. A. Gasanov, in his publicized by the Kyrgyz Committee for Human Rights letter said: *"I was offered a deal and all kinds of help in return for my testimony against Feliks Kulov."*

Even more appalling is another evidence of the coercion of testimony against F. Kulov, this time from the individuals who were allegedly involved in a criminal case of homicide and were sentenced to the death penalty—T. Beyshembiev, V. Kachan-Abdrashitov and Kurkin. According to the "*Delo 1*" newspaper, Mr. T. Beyshembiev has confessed*: "Deputy Minister of Interior Nogoibaev has visited me and offered mercy and help in general if I would say that Feliks Kulov was implicated in this homicide*." Mr. Kurkin in his turn has also confirmed: *"I was offered a pardon if I would testify that I had heard from Beyshembiev and [Kachan]-Abdrashitov: Felix Kulov commissioned this murder."*

COERCION OF A VICTIM

If coercion of testimony is a widespread practice in countries with lack of Rule of Law, the second feature that I would like to bring up is something unheard-of. This feature is creating a person who allegedly was a victim of a crime when no such crime took place. On this particu-

lar subject I have written previously and that writing is available for those who has an interest in knowing more facts. Today I only would like to point out that such a phenomenon also features the legal prosecution of F. Kulov and that such a "victim" exists and was used to substantiate charges in the secret case against F. Kulov. I would also like to remind that that person's name is Dooronbek Sadyrbaev and that he is a member of the Kyrgyz Parliament. In his own words the prosecution that he was forcibly involved in was *"a hurriedly concocted criminal case with no substantiated witness evidence or documented facts."*

PREMATURE INDICTMENT

The third feature that pictures itself clearly in the F. Kulov's prosecutions is his being indicted long before the necessary legal evidences had been collected. The International League for Human Rights had noted a certain aspect of this feature when it was investigating the secret case against F. Kulov. The Leagues report says: *"We note an obvious error by the prosecutorial and investigatative authorities in connection with the presentation of the accusations to Kulov… The decision of the Procurator General on Mr Kulov's apprehension handed to him on June **13, 2000** was different from the one which was served on him at the time of his detention on March 22, **2000**. …the trial court apparently allowed the prosecution to proceed to present evidence … this inconsistency demonstrates an attitude towards documents on the part of the prosecution which is altogether curious…"*

According to F. Kulov's lawyers, prosecutorial accusations (or indictments) in relation to the two new cases against him had been presented to them while the so-called investigation still continued "gathering" (or creating) material witnesses and evidence, as it became obvious later. In this connection it should be added that the coercion of testimony from Mr. A. Gasanov against F. Kulov, whose confession was cited earlier, had been attempted by the investigative authorities after the indictments were presented to F. Kulov.

The human rights and democracy situation in Kyrgyzstan is more important today than ever. Continuous violations of human rights by the repressive regime of Akaev and alike in the region might become a problem with serious negative consequences similar to those which the world's community has already faced today by fighting its war against terrorism. Disrespect to human rights and lack of democratic freedoms, combined with poverty, remain the main source of this problem.

SUBMISSION OF ANARA MAMBETOVA-FINKELSTEIN

DIGNITY AND DISHONESTY: GOVERNMENTAL CRACKDOWN AGAINST THE OPPOSITION IN KYRGYZSTAN APRIL 29, 2001

This paper is written on behalf of my cousin, General Feliks Kulov, who cannot speak for himself because of his imprisonment. It is also written on behalf of other people who similarly haven't had access to a free and impartial trial, nor enjoyed protection of their civil rights. I am bringing recent violations of human rights in Kyrygzstan to the attention of the international community in the belief that the awareness of these violations might help restore the rights of those people and, possibly, their freedom.

Feliks Kulov–formerly Kyrgyzstan's vice-president, Minister of National Security and one of the nation's best known political figures–was arrested on March 22, 2000 on charges of "instigating a crime," "official forgery" and "misuse of official status" while serving as Minister of Security. On August 7, 2000 Judge Ashimbek uulu Nurlan acquitted him. However, the Prosecutor decided to retry the case with another judge, and on January 22, 2001 the Bishkek Military Court sentenced Kulov to 7 years of imprisonment with confiscation of his property. For the first time in the history of the Kyrgyz legal system since Stalin's purges, both court hearings were held behind closed doors because of the "state secrets" allegedly involved in the case. According to Kyrgyz law a closed trial should be conducted if military, state or commercial secrets are present in the case and if their disclosure can undermine national security. Kulov's lawyers–Lubov Ivanova and Viacheslav Luzhanskiy–did not find materials of this nature in the case, nor did the International League for Human Rights (ILHR). The public, including the duly accredited observers of international organizations such as the Organization for Security and Cooperation in Europe (OSCE) and the ILHR, were denied access to the hearings. President of the ILHR, Mr. Scott Horton, traveled twice to Bishkek and conducted a series of interviews with Kyrgyz government officials, prosecutors, investigators, Kulov, his defense team, local lawyers, judges and human rights advocates. In July 2000 the League released its report on the case. "The secrecy was invoked to protect Kyrgyz authorities from embarrassment which would follow from a public viewing of the trial and in particular the considerable defense evidence which Kulov proposes to introduce,"[1] the report concludes.

The reason for the embarrassment of the authorities has now become clear. It is fabrications perpetrated by the security forces to create charges against Kulov, especially a charge of "instigation of crime." The "victim" of the alleged crime was a member of the Kyrgyz Parliament, Mr. Dooronbek Sadyrbaev. He brought some fabrications to light. According to the authorities in 1997, while Kulov was Minister of Security, his operative broke into Mr. Sadyrbaev's parliament office and attempted to unlock his safe. Mr. Sadyrbaev himself doesn't believe this and is convinced that it was "a hurriedly concocted criminal case with no substantiated witness evidence or documented facts."[2] During the court hearings he protested his false involvement as a victim, but was disregarded. After having exhausted the legal means to address the court, he wrote an open letter describing one of the secret trial's episodes.[3] With no chance of being published in Kyrgyzstan, the letter was distributed by e-mail on March 16, 2001.

Undeniably dramatic, this twenty-two-page document revealed the anger of the victimized person and the true nature of the criminal prosecution against Kulov. It also presented a rare case of honest conduct by a high-ranking government official with respect to Kulov. Awareness of the fabrications didn't prevent Judge Dastan Aidjigitov from handing down a guilty verdict on January 22, 2001, and Judge Tilek Abdrashitov from upholding it on March 9, 2001. Defense witnesses were not allowed to testify at the court.

All charges against Kulov were based on the testimony of a single person–security forces' secret agent K. Sheyshekeev. "By deliberately providing with false testimony, by seeking self-interest, K. Sheyshekeev wittingly or unwittingly became an accessory to falsification of the evidence"[4], wrote Mr. Sadyrbaev in his open letter. It is this security agent's entangled and contradictory testimony that solely became the grounds for the charges.

Meanwhile, contradicting the claim of secrecy, the allegedly secret materials were used by the government papers and TV channels in an aggressive public relations campaign against Kulov guided by the Office of President Askar Akayev. "A local Kyrgyz film editor who spoke on condition of anonymity informed us that preparation of programs [about Kulov] was an official state project directed from the President's administration and that senior officials of MNB [the Kyrgyz security service] were heavily involved. We were told that the objective of the program was to destroy the reputation of Feliks Kulov through the circulation of innuendo."[5]

"It is certainly ethically dubious for prosecutorial officials to engage in public relations campaigns designed to vilify an accused on the eve of his trial. However, it is utterly unconscionable for those officials on one hand to disseminate their case materials to the media in connection with such a campaign and on the other to insist that the materials constitute a "state secret" justifying severe restrictions on their use by defense counsel and a closed trial. Such tactics can only be described as utterly audacious and a betrayal of the basic norms underlying the impartial administration of justice."[6]

Feliks Kulov, the Kyrgyz opposition leader and founder of the second largest (after governmental) political party Ar-Namys (Dignity), was expected to be the main presidential candidate against then legitimate President Akayev in the October 2000 elections. Criminal charges against him were brought shortly after his mid-March announcement to run in the presidential elections and after he had won the first round in parliamentary elections in his district. Later he was denied victory through manipulation by Kyrgyz authorities. "By criminalizing him [Kulov], an effort is being made to remove him from the political scene, and that is the real reason for this trial,"[7]—Mr. Scott Horton, President of the ILHR, said in his January 2001 interview to the Wall Street Journal.

In 1997, while serving as Minister of Security, Kulov was responsible for some negligence–failure to register equipment. According to the ILHR "it appears at best to amount to some sort of administrative infraction and does not in any event appear to form a plausible basis for criminal-law claims. It is completely clear that the motive of the Kyrgyz prosecutors is to disqualify Mr. Kulov as a presidential candidate."[8] The 3-year-old "administrative infraction" was somehow transformed into "instigation of crime," "misuse of official status" and "official forgery" in

advance of presidential election. The open letter by the Parliament member, Mr. D. Sadyrbaev, partially explained how this transformation was done.

The Kyrgyz President has been chosen. Why does Kulov still present such a danger for the government that they strive to eliminate him by all means? I have reasons to assume that General Kulov possesses some sort of "state secret" information which upon a disclosure might undermine the prosperity of Mr. Akayev and surrounding him clans.

The ILHR identified multiple violations of Kulov's legal rights, of the procedures of the Kyrgyz Criminal Code and of international legal standards. Among the most obvious violations were the denial of access to counsel of his choice, illegal pre-trial detention, restriction of confidential communication with counsel, surveillance of Kulov's meetings with his lawyers, and interception of mail to his family and to Ar-Namys party members.

"The timing, facts and circumstances of the investigation and prosecution…strongly suggests that the case was launched for political reasons and raises serious questions as to the bona fides of the prosecution."[9] Many of the Kyrgyz government officials rejected this conclusion. But what was denied in this high profile case could repeatedly be traced in other, less known, cases against opposition, human rights, and civil society activists and independent journalists. The same logic–repression of dissent—and the same pattern of repression–criminal prosecution–are clearly transparent.

The following are a few examples:

- Topchubek Turgunaliev–a presidential candidate, leader of the opposition party Erkindik, and a founder of the Guild of Prisoners of Conscience in Kyrgyzstan. Amnesty International named him a prisoner of conscience. He was sentenced to 6 years' imprisonment for "ideological leadership" in plotting the assassination of Mr. Akayev. It is believed that the role of the "ideological leader" in this brazenly fabricated case was originally designated for Kulov. But due to "technical reasons," and so that the efforts of the security forces would not be "wasted," it was Mr. T. Turgunaliev who was later assigned this role.
- Tolekan Ismailova–President of the NGO Coalition for Democracy and Civil Society. The Coalition, along with the other public organizations, has been repeatedly threatened with criminal action for its activity on behalf of opposition political leaders. On March 13, 2001 an unidentified man physically attacked Ismailova. She did not report the assault to the police, believing that "the police that disperse pickets and violate human rights don't inspire trust."[10]
- Ramazan Dyryldaev–Chairman of the Kyrgyz Committee on Human Rights in exile, fled the country to avoid criminal prosecution started against him on May 31, 2000.
- Albert Korgoldoev–a human rights activist in exile, fled the country to avoid criminal prosecution.
- Daniar Usenov–a presidential candidate and former leader of the opposition party Bei-Bechara.Criminal proceedings against him were based on 4-year-old assault charges that had been withdrawn long before by the person allegedly assaulted. A suspended sentence allowed the government to prevent him from participating in the presidential election.

- Viktor Zapolskiy–the Chief Editor of the opposition weekly *Delo*, Svetlana Krasilnikova–the Deputy Chief Editor, Viacheslav Nochevkin–a columnist. Criminal charges were filed against these journalists as the paper was covering Kulov's trial. A "state secrets disclosure" definition served as a legal pretext. "In a blatant violation of due process [the journalists] were forced to testify as witnesses against themselves, while their homes and offices were searched."[11] Shortly after the conviction of Kulov in February 2001 the charges were dropped. A letter received from the officials stated that the prosecution was stopped because "the circumstances have changed."[12] Mr. Zapolskiy is also facing a number of libel suits, which are called in Kyrgyzstan "dignity and honor insult" suits.[13] These suits were brought by high ranking officials Boris Poluektov (Deputy of the Security Council) and Misir Ashirkulov (a former head of the presidential administration, now Secretary of the Security Council). On April 24, 2001 the suit brought by Ashirkulov was ruled in his favor and a heavy fine was imposed on the journalist.
- Melis Eshimkanov–a presidential candidate, and the owner and former Chief Editor of the opposition Kyrgyz-language twice-a-week newspaper Asaba. Mr. Eshimkanov was subjected to pressure shortly after he announced to run in the presidential election. Parliamentary Deputy and a former First Secretary of the Central Committee of the Kyrgyz Communist Party, Mr. Turdakun Usubaliev, brought a "dignity and honor insult" suit against the paper claiming that he had been repeatedly insulted for 8 years. Ironically, the one who throughout 25 years of his leadership had insulted the rest of the nation now raises this type of charge with a demand for $1,000,000 in compensation. Having reduced the amount to $20,000, the court ruled in Mr. Usubaliev's favor. Another case against Asaba, apparently orchestrated by the government, dealt with a Bishkek-based Canadian company (the Lion Technics). The court ruled that Asaba must pay the company about $22,000 in fines. On April 20, 2001 the paper was declared bankrupt and closed. It's property was taken away by the Lion Technics.
- Zamira Sydykova–the Chief Editor of the opposition weekly Res Publica. For years her paper has been facing legal harassment including several "dignity and honor insult" suits, some of which resulted in heavy fines and closing of the paper for 4 months. Ms. Sydykova herself was imprisoned for this period of time on charges of insulting the government official, Mr. Sarygulov. After Asaba was banned, joint editions of both Asaba and Res Publica were issued for a few days. But on March 27, 2001 Minister of Justice J. Abdrakmanov officially demanded that the government-owned publishing house Uchkun stop printing the joint editions.

Bermet Bukasheva–the Chief Editor of the Asaba-Bishkek, formerly the Chief Editor of a newspaper Litsa (Faces). Litsa was closed in October 2000 when shortly before the presidential elections the government prohibited publication of the paper. Ms. Bukasheva is the author of many articles critical of Mr. Akayev and supportive of Kulov and other alternative presidential candidates. Her 15-year-old daughter, Meerim Beishenova, was accused of extorting money from other students at her

school and was threatened with legal charges by the principal. On condition of anonymity, another school authority told Ms. Bukasheva that this action was directed from the "top" and was caused by her support of Feliks Kulov.

As we can see, presidential candidates and political opponents, civil rights activists and independent journalists are the government's targets. Criminal prosecutions, punitive tax audits, costly lawsuits, and threats are the means to silence them. And the criminal justice system has become an instrument that guarantees success.

Over the last decade the first NGO's (Non-Governmental Organizations) and independent press have begun to appear in Kyrygzstan. They saw their functions as observing government policies and influencing its decisionmaking, protecting citizen's rights and shaping public opinion. The Government of the Republic of Kyrgyzstan responded with their own pro-government NGO's, newspapers, TV channels, and even their own ombudsman. Whose rights were these institutions designed to protect? Are the Kyrgyz Government' interests any different than the interests of the rest of the nation? Shouldn't the Government be accountable to the people?

A study of recent Kyrgyz political events allows us to draw the following conclusions:

- UN international commitments, to which Kyrgyzstan is a signatory, are ignored.
- Having manipulated the Constitution and with massive election fraud Mr. Akayev was able to get an unprecedented third term after removing most of the serious challengers from the political contest.[14]
- The judicial system is controlled by and subjugated to Mr. Akayev.
- The law does not protect the rights of citizens, but the interests of the government.
- Judicial arbitrariness prevails over the Rule of Law.
- Impunity is a part of the mentality of those who gain power.
- Both last year's parliamentary run-off and the presidential election fell far short of international standards.[15]
- Fundamental democratic freedoms such as freedom of the press, assembly and free choice of government through an ongoing civil process of free, fair, and transparent elections are absent.
- Civil rights are oppressed since the very existence of such rights poses a threat to the rulers.
- Any perceived form of dissent, civil or religious, is viewed as a threat to the elite's prosperity and is to be eliminated by any means.
- The opposition is those who obstruct the rulers in their ruling.
- Democracy is not perceived as the only path leading to stability, security and prosperity.

Actually, democracy is not and has never been be the Kyrgyz elite's objective, nor is national prosperity. Its only objective is personal power, which, according to a political scientist, "is of absolute and highest worth [for the post-Soviet elites]."[16] The reason why power is valued so highly lies in the tremendous opportunities which appeared after the demise of Communism. In particular, the denationalization of the economy combined with the lack of Moscow "iron control" has become a unique condition for building enormous wealth. Those who had power, but didn't have honesty didn't want to miss their chance, which, they knew, may never repeat itself.

Kyrgyzstan faces many problems caused by the elite's seeking their own interests and by corruption at all levels of power. The most serious is the decline of the national economy, expatriation of the populations, deterioration of public health, loss of confidence in government, and enormous national debt. These problems are the source of deep social discontent and possibly unrest. The ongoing militant threat from the Taliban on the outer borders of Central Asia has become an additional stimulus for social fears.

In the past there was the belief that Kyrgyzstan had greater democracy than any other Central Asian republic. This belief reflected Western readiness to support the newly independent nation rather than the reality. The Kyrgyz people themselves, who have learned their communist lesson, could not be easily deceived. It was clear for them that once again they were witnessing a substitution of the personal interests of the rulers for the interests of the nation and that the government again only" simulates the key function of representing and protecting the nation's interests and doesn't fulfill it.[17] This simulation is the key to understanding the true nature of the Kyrgyz government, which is self-interested, repressive and centered around one person, in other words–authoritarian. The affluent revival of modern autocracies on the entire territory of the former Soviet Empire (except the Baltic countries) is an additional confirmation of this fact.

The sad 10-year period of Kyrgyztan's transition has clearly demonstrated by now that despite of the international help actual implementation of the democratic and market reforms hasn't gone any further than political declarations of Mr. Akayev. The success of transition would require from the Kyrgyz (or any post-Soviet) reformers "the qualities of Abraham Lincoln, Adam Smith, and Nelson Mandela combined together."[18] However, having simply integrity and honesty would be a good start.

It is exactly the prospect of the social unrest that compels Mr. Akayev to recollect a theory of "a strong hand." Reportedly, the names of Josef Stalin and Niccolo Machiavelli can frequently be heard from him. These unambiguous allusions are a clear indicator of his actual aspirations. Perhaps, one more name that Mr. Akayev should not forget is Nicolae Ceaucescu.

I believe that people of Kyrgyzstan could create a Central Asian "island of democracy." There are many honest people there. Your support for democracy and human rights in this country will help create a more secure, stable, and prosperous global arena.

1. Kyrgyzstan: Persecution of Political Opposition through the Criminal Justice System. The Case of Feliks Kulov. The ILHR Report, July 2000, p. 15
2. D. Sadyrbaev "Forgive Me, My Brother Kyrgyz." Open letter, March 6, 2001, p. 2.
3. A security forces' secret agent, K. Sheyshekeev, who claimed that upon Kulov's authorization he penetrated into the office of a parliament member, D. Sadyrbaev, and spent several hours attempting to open his safe, appeared to be unable to answer specific questions asked by the parliament member. Those questions concerned the location of the office at the Parliament building, its size, position and distance of the objects in the room with respect to the safe. One of the two safe's locks which K. Sheyshekeev allegedly

tried very hard to open happened to be initially out of order and had never been locked.

4. D. Sadyrbaev. "Forgive Me, My Brother Kyrgyz." Open letter, March 6, 2001, p. 15.
5. The ILHR Report, p. 12
6. The ILHR Report, p. 14
7. Steve Le Vine. "Kyrgyz Sentence of Opposition Leader Raises Questions." Wall Street Journal. January, 2001
8. The ILHR Report, p. 4-5
9. The ILHR Report, p. 4
10. "Za Shto Izbili Tolekan Ismailovu." Interview to weekly Delo [1] with A. Petrov. March 18, 2001
11. The Committee to Protect Journalists (CPJ). Report on Kyrgyzstan. March 23, 2001
12. This statement might be interpreted only one way: the "state secrets" are no longer state secrets.
13. The "dignity and honor insult" suits against independent journalists became common and were found very effective not only as a means of silencing them, but also as "a good source of income" for some officials, as one of the journalists wrote.
14. In the report on Kyrgyzstan's Human Rights Practices releaseâ by the U.S. State Department's Bureau of Democracy, Human Rights and Labor in February 2001 Kyrgyzstan is mentioned among the other three countries–Azerbaijan, Cote d'Ivoire and Haiti–where "seriously flawed elections took place most notably."
15. See The Final Reports of OSCE's on Kyrgyzstan's parliamentary and presidential elections released by the Office for Democratic Institutions and Human Rights on April 10, 2000 and January 16, 2001.
16. Challenges of the Continuing Transition. Conference Report. 30 June 1999. Meridian International Center. Washington, 1999, p. 49-50.
17. I. Torbakov. Ukraine: Vagaries of the Post-Soviet Transition, Demokratizatsia, August 2000, p. 13.
18. T. Kuzio. Dynamics of Post-Soviet Transformation. Armonk, M.E. Sharpe, 1998, p. 176.

SUBMISSION OF THE PEOPLE'S CONGRESS OF KYRGYZSTAN

APPEAL TO THE UNITED STATES CONGRESS

The political situation developed lately in our country as a result of the authoritarian politics carried out by the President of the Republic of Kyrgyzstan and his administration made us appealing with this letter to the Congress of The United States of America.

Currently, there are numerous cases of human rights violations in Kyrgyzstan, of dissidence is oppressed, independent mass media is under pressure, in practice the political censorship is revived, the oppositional parties are persecuted. Assurances by the head of the State in his efforts personally assist towards the reforms in judicial and legislative systems, voting legislation, correcting the violations committed during the last year parliamentary and presidential elections turned out to be a pure bluff. So far, the major opponent of A. Akaev—leader of the political party "Ar-Namys," The Chairman of the People's Congress of Kyrgyzstan Felix Kulov is still under arrest in the detention cell of the Service of National Security. The last decision adopted by the Pervomaiskiy District Court of the city of Bishkek that rescheduled the consideration of the Civil Law suit filed by F. Kulov against A. Akaev serves as another violation of the F. Kulov's constitutional right "to defend honor, dignity and business reputation." And it had happened only because the defendant was the President of the Republic of Kyrgyzstan.

During his official visit to Kyrgyzstan Ms. M. Albright, the former U.S. Secretary of State, was warning Mr. Akaev "not to consider his political opponents as criminals." However, The President of Kyrgyzstan did not listen to the wise advice given to him by the U.S. Secretary of State, and he goes on with his policy of persecutions against political opponents. He actually ignores the demands of the world community to observe the international standards on Human Rights and other norms of International Law taken on by Kyrgyzstan. President Akaev and his administration are building up their unprecedented pressure on the opposition parties, independent mass media, using all the means in their power, and thus moving Kyrgyzstan away from the road toward democracy. The Presidents-Khans of the Central Asian Republics are trying to use the tragedy of the September 11th attack in the United States, and the fight against terrorism waged by the international coalition in their own egoistic interests, and to maintain antipopular antidemocratic authoritarian rule. They keep deceiving international community: from the high international rostrums they claim that everything is all right here as regards to human rights and democracy. But the facts testify to the contrary.

Political persecutions in "democratic' Kyrgyzstan is a reality of today. During the rule by the administration of Akaev, the controlled courts passed a number of verdicts the political character of which leaves no doubts. Only due to the pressure by international community Topchubek Turgunaliev, a well-known dissident, was set free. Famous human rights advocate Ramazan Dyryldaev had been forced into immigration. The former employee of the "Kalkan" division Zhanybek Bakchiev is in prison yet, though he was supposed to be released a long time ago in compliance with the amnesty. Using these unlawful methods the Service of National Security is trying to make captain Bakchiev

plead guilty in the crime he did not commit. It is because his confessions made under pressure could be used against Felix Kulov. The Constitutional Court of the Kyrgyz Republic twice refused to bring constitutional legal procedures based on the complaint filed by F. Kulov, indirectly confirming the legitimacy of the plaintiff s claims. The Guild of the Prisoners of Consciousness, the registration of which is being refused by the Ministry of Justice of the Republic of Kyrgyzstan on the grounds that there are no political persecutions in Kyrgystan, numbers about 40 members in its ranks: Topchubek Turgunaliev, Felix Kulov, Zamira Sadykova, Emil Aliev, and others. Their number is growing with every day.

We are addressing the Congress of the United States in a hope that during a hearing on Civil and Political Freedoms in Kyrgystan, the Senators could be guided not only by the official information provided by the government of the Republic of Kyrgyzstan, which does not reflect the real situation in our country.

People's Congress of Kyrgyzstan

**SUBMISSION OF URMAT SOVETOV,
MEMBER, POLITICAL COUNCIL, "AR-NAMYS,"
DIRECTOR, CENTER FOR LEGAL DEFENSE OF HUMAN RIGHTS**

DECEMBER 10, 2001

Human rights advocates and the leading opposition political parties of the Kyrgyz Republic are extremely concerned with the political situation in Kyrgyzstan, namely: ongoing political repressions against political parties, nongovernmental organizations, independent mass media and individual political figures.

For a long time Kyrgyzstan was considered to be a stronghold of democracy in Central Asian region. However, such features of democracy as freedom of speech, religion, secret vote, freedom of assembly exist only on paper and serve as an official cover. In practice ten-year-old rule by A. Akaev led the country to a total corruption, which, in its turn, brought about a deep gap in the material well being between those in power and those who are under them. As a result, the majority of the population is below the poverty level. And the latest political developments when Akaev and his team falsified first the results of the parliamentary elections, and then the results of presidential elections, raised the wave of a mass protest in the country. The President, instead of having a dialogue with his people and political opponents, sanctioned to suppress the discontent by limiting the citizens' rights through persecutions of dissidents and those who voice their protest. Hundreds are imprisoned without charges being brought against them, practically all the independent mass media is liquidated, common people have no means to protect themselves from the despotism of authorities, the democratic gains of the first years of independence are oppressed, political opponents are considered as criminals.

Thus, President Akaev and a small group of close to him corrupted officials who are preoccupied with consolidating their own power have installed authoritarian regime in Kyrgyzstan.

The most vivid example of the despotism of the authorities is the persecution by the President of the country A. Akaev of his main political opponent—F. Kulov, the leader of the political party "Ar-Namys" and opposition forces of Kyrgyzstan. Manipulating "lamed" judicial system and corrupted law and order authorities President Akaev succeeded in isolating his opponent who enjoys tremendous authority and trust among the people in his country.

As it is well-known, based on falsified charges F. Kulov was sentenced to seven-years imprisonment, and currently, since January 22, 2001, is held in a cell of the Services of National Security. The court trial of Feliks Kulov was hold "behind closed doors." In spite of the A. Akaev's hopes nobody in Kyrgyzstan believed that F. Kulov is guilty, and the representatives of international organizations noted the pronounced political character of the persecutions. To change the public opinion in their favor the authorities brought new accusations that cannot resist any legal critics against F. Kulov.

Another well-known human rights advocate, Topchubek Turgunaliev, was sentenced to 14 years in prison for the crime he did not commit. He and the other five innocent people were accused in an attempt to assassinate the President of the country. T. Turgunaliev was pardoned by the President. That pardon made under the pressure of international community and because of groundlessness of the charges was rather of

a political nature than judicial. From the point of view of the Criminal Code of Kyrgyz Republic A. Akaev had no right to pardon an individual who did not plead guilty neither during the investigation nor during the trial in court.

These examples prove our claims that all branches of power in Kyrgyzstan are concentrated in the hands of one person who can either "execute" or "pardon" at his sole will.

After the tragic events of September 11th, when the fight against international terrorism became of the supreme importance for the United States, the critical look at the authoritarian regimes of the leaders of the Central Asian states got weakened to a certain extent. A. Akaev felt free in his actions to strengthen his power. Moreover, it looks like he wants to benefit from the situation.

There are no doubts that it is necessary to fight terrorism. But at the same time it is inadmissible to have the fight against terrorism to overshadow the struggle for democracy. It is the authoritarian rule by A. Akaev and his colleagues in the region that creates nourishing grounds for the proliferation of the Islamic extremist ideas in Central Asia. Poverty-stricken people having no democratic alternative have no choice but to pin their hopes on religious radicalism.

Today there are only two ways for the development of Kyrgyzstan. Either the West will support anti-democratic regime of A. Akaev who is relying on his family and a handful of officials close to him; and as a result the world will get five million population of Kyrgyzstan as potential carriers of the Islamic extremism. Or the West, and the United States first of all, will support the people of Kyrgyzstan, and in the form of ultimatum will demand from President Akaev to free all the prisoners of consciousness unconditionally, to observe all obligations adopted before OSCE and to guarantee all democratic freedoms; and then there is a hope that Kyrgyzstan will go along the road of democratic reforms.

We are of the opinion that issues of Human Rights and building of a truly democratic state have to be of higher importance as compared to the issues of the state sovereignty. And where there exists a tendency of massive violations of human, civil and political rights the world community should immediately use all measures at their disposal to influence the leaders of such countries because only in a purely democratic country there is no place for extremism and international terrorism.

Yours respectfully,
Urmat Sovetov,

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