

## **Corrupt Kyrgyz Courts**

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President Akaev seems incapable of reforming a judicial system riddled with corruption.

Ataula Borombaev is convinced that the men who murdered his son Ulan escaped justice by paying a heavy bribe to a judge.

"I have been trying in vain for years to bring the ruthless killers of my son to justice," Borombaev said with tears of desperation in his eyes. "I am appalled by the criminal indifference of the judiciary."

There is a catalogue of similar stories from all over Kyrgyzstan. Many here have lost faith in the courts, which they see as riddled with corruption. Their views have not escaped the attention of the country's president.

"The judiciary is viewed as an instrument of repression, an institution that discriminates against ordinary people in the interests of the rich and powerful," lamented President Askar Akaev at a recent convention for the legal profession in Bishkek.

Almost in the same breath, however, he then told the judges he believed that they were doing their jobs well overall. Which left critics to speculate just how sincere he is about reforming the system.

The key to change lies almost entirely in Akaev's hands. He is the only one with power to appoint or dismiss judges. Nearly all other efforts to unseat corrupt court officials have failed. Akaev could also curb bribery by increasing the abysmally low salaries of judicial staff.

A prominent critic of the legal system is Yuri Maximov, one of Kyrgyzstan's most eminent attorneys. "Instead of administering justice, the courts always rule unreservedly in favour of affluent or influential people whenever their interests are threatened," he said.

There is no shortage of people who've suffered at the hands of the courts. Chinara Kolbaeva, widow of Yusup Kolbaev, the late vice-president of the natural gas concern Kyrgyzgazmunaizat, bemoans her failure to bring to justice the contract killers who assassinated her husband in 1997.

"Of all our law enforcement authorities, the courts are the most prone to bribery and corruption, especially local courts," she said.

Courts which openly bend justice to favour of the rich and powerful seem to do so with impunity. Under the Kyrgyz constitution, only the Prosecutor-General can bring legal proceedings against corrupt court officials - but none have so far been prosecuted.

Recently, the Prosecutor-General did petition the constitutional court for permission to try a judge who was allegedly caught accepting a bribe of 200 US dollars from the mother of a defendant. Critics are waiting eagerly to see if the supreme judicial authority will punish one of its own?

But they cannot take heart from another case in which a justice in Osh sentenced two men to long prison terms for trafficking huge quantities of heroin. A short while later the same judge released both men on health grounds. The "ailing" criminals left town immediately. The Prosecutor-General's office found the judge guilty of malpractice, but only dismissed him from his post.

Representatives of the legal profession condemn such abuse of power, but they warn that unless pay and conditions for members of the judiciary are improved more of them will be tempted to break the law.

Satarbek Abdrakhmanov, chief justice at the Issyk-Kul regional court, said, "We know the national economy is not in good shape, but it's still unfair that judges earn less than many other public servants."

President Akaev went ahead and signed a decree on May 18 to increase judges' salaries by 50 per cent from January 1, 2002, and provide budget funds to improve their living standards.

But whether a higher salary, an official car and public housing will turn Kyrgyz judges into honest men remains to be seen. Azimbek Beknazarov, chairman of the parliamentary committee for judicial institutions, is sceptical.

He says judges are unlikely to depart from unquestioning subservience to important people who appear before them.

Yuri Maximov says Kyrgyz authorities have used the courts as an instrument to suppress opposition. "I can prove that opposition leaders, such as Felix Kulov and Topchubek Turgunaliyev, were framed," he went on. "Judicial repression of dissidents has reached epidemic proportions in this country."

He said another method of suppression is for government officials to file libel suits against dissident publications and journalists. In nearly all these cases, courts have ruled in favour of the high-ranking plaintiffs.

Repression against the press started in 1994 when President Akaev closed down the newspaper Free Mountains. The Supreme Arbitration Court recently banned another opposition newspaper, Asaba.

Azimbek Beknazarov believes it would help to have parliament actively involved in appointing and dismissing judges. The director of a USAID-sponsored legal programme in Kyrgyzstan, Brian Campbell, said the courts must undergo significant reforms before they can be classed as truly independent.

"The most important thing is to make the process of appointment and dismissal of judges fully transparent," he said.

Some observers believe that the president's harsh criticism of the judiciary was just a PR stunt to head off local and international censure of the court system. They're equally sceptical that his pledge to improve the conditions for judicial officials will make them less prone to corruption.

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