

Kyrgyz Activists Call for Sentencing Reform

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Decision to replace death penalty with life-imprisonment prompts activists to call for more far-reaching reform.

Activists say Kyrgyzstan's abolition of the death penalty should be just a first step in a full overhaul of the country's justice system, which is still plagued by torture, overcrowding and corruption.

Kyrgyz president Kurmanbek Bakiyev signed the law abolishing the death penalty and making life imprisonment the maximum punishment on June 29. Officials said the step would make the justice system more humane.

But activists, while welcoming an end to the possibility of executions, said life imprisonment - with a minimum term of 30 years in disease-ridden and crowded detention centres - would often mean death if current conditions were allowed to continue.

"We will continue to lobby for making criminal legislation more humane. Undoubtedly, we will strive to improve the conditions in detention centres for prisoners sentenced to life imprisonment," said Tolekan Ismailova, head of the human rights organisation Citizens Against Corruption.

Kyrgyzstan has had a moratorium on the death penalty since 1998, but people continued to receive the sentence, which was imposed for murder and rape.

Activists say the new minimum term of 30 years before prisoners can appeal for a pardon was still too harsh. Many believe the authorities should consider fixed-term punishments for specific crimes, the length of sentence determined by the severity of the crime.

Aziza Abdrasulova, leader of human rights organisation Kylym Shamy, said that a sentence of life imprisonment was never justified, "As a humane society, we must give the criminal a chance for rehabilitation before society, to recognise his guilt for what he has done. This is the main task of a humane society."

She said that the time convicts must wait before appealing for amnesty should be reduced in order to allow prisoners early release and the possibility for rehabilitation.

"This new system essentially means that the prisoner will not have any chance for rehabilitation. So the term should be reduced at least to 20 years," she told IWPR.

Since the 1998 moratorium on the death penalty, 78 prisoners sentenced to death have died from tuberculosis and other diseases.

There are currently 174 people on death row in Kyrgyzstan, 21 of which were sentenced this year alone. All the sentences will now be commuted to life imprisonment.

Abdrasulova said short-comings in police practices, particularly a common use of torture to extract confessions, meant that many convictions were doubtful.

“The charges against many prisoners sentenced to death were only based on statements of confession,” she said.

“With the present system of investigation and trial, there is a high probability of an innocent person being sentenced to the most severe punishment.”

At present, the holding conditions in prisons - especially on death row - do not meet international standards, say activists.

“Each cell is crammed with 20 people, the conditions are intolerable, there is practically no medical treatment, and the food is very sparse,” she said.

But Justice Minister Marat Kayipov said the mere fact that the death penalty had been abolished was already a major step for Kyrgyzstan.

“We have had great success in making criminal legislation more humane. But it is still too early to talk about introducing fixed terms of imprisonment. Our society is not ready for this yet,” he said.

He dismissed calls to reduce the time before prisoners can apply for amnesty, and said a delay of 30 years before a prisoner could apply was reasonable.

Other officials acknowledged, however, that applying fixed tariffs for specific crimes should be the long-term goal.

“We must eventually apply fixed terms of imprisonment for serious crimes. This will be a natural process, when neither legislators nor society as a whole are opposed,” said Tursunbek Akun, head of the Presidential Commission for Human Rights.

Political analyst Marat Kazakbaev pointed out that Kyrgyzstan was the first country in the Commonwealth of Independent States, CIS, a group of ex-Soviet states, to abolish the death penalty and that it was unrealistic to expect too much too soon.

“This is the first time this step has been taken not only in the Central Asian region, but in the CIS. It is possible that Kyrgyzstan will be the first country where the process of making criminal sanctions more humane will continue,” he said.

In the meantime, however, analysts suggested the criminal justice system was not robust enough to impose fixed-term punishments and that the current system of pardoning after a certain period of time was preferable.

Mars Sariev, a political commentator, thought corruption throughout the judicial system could allow criminals to exploit fixed tariffs by securing early release.

“Fixed terms may serve as a loophole to get big-time criminals out of jail after a certain time by various means - criminals who have the support of criminal groups and sometimes the top echelons of power,” Sariev told IWPR.

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