

Kyrgyz Legal Paradoxes

Author: [Yrysbek Omurzakov](#)

The independence of the Kyrgyz legal system is called into question following the dubious conviction of an opposition leader

The recent imprisonment of former Bishkek University rector Topchubek Turgunaliyev for plotting to assassinate the president has once again highlighted the abuses and failings of the Kyrgyz legal system, government critics say.

Turgunaliyev, leader of the Erkindik opposition party, was convicted on the evidence of a national security ministry agent, who had served a two-year jail sentence and was described by the court as "a swindler, a slanderer, a thief."

Turgunaliyev, sentenced to 16 years imprisonment last month, had waged a long battle against the administration of President Askar Akaev. He was jailed for four years in 1996 for distributing leaflets insulting the president's honour and has been three times declared a "prisoner of conscience" by Amnesty International.

His latest conviction with eight others, for organising and recruiting a group to kill Akaev, came despite evidence from three national security ministry officials that there was no concrete proof against him.

"I don't believe in the marionette judges of Kyrgyzstan. They follow any order that comes from the executive authorities, as they're entirely dependent on them," he said defiantly on the eve of sentencing.

Concern at the lack of full independence of the judiciary in Kyrgyzstan was voiced by the United Nations Human Rights Committee last July, when it noted that "the low level of salaries and the uncertain tenure of judges may encourage corruption and bribery." Judges receive average monthly wages of about \$50.

The Committee complained of "the intimidation and harassment, in particular by government officials, of journalists and human rights activists, including members of human rights non-government organizations, who have been subjected to prosecution, fines and imprisonment."

In the Turgunaliyev case, "the pressure on the court came from the seventh floor of the White House," said Mamasadyk Djakyshev, a representative of the Kyrgyz Committee on Human Rights, referring to the offices of the head of state, the head of government and their deputies.

Akaev's influence goes to the heart of the judicial system, as evidenced by a recent ruling of the Constitutional Court, whose chairman and judges he appoints. The court ruled that Akaev could stand for a third term in office, although the constitution states that the president can only be elected for two terms.

Critics complain that Kyrgyz judges are governed by secret instructions, frequently refuse objections made against the public prosecutor, often dictate pleas and interrupt both the accused and his lawyer with inappropriate remarks. Points of order put forward by defence lawyers are rarely accepted.

The Kyrgyz government makes active use of judicial bodies in elections. Last March, former deputy Daniyar Usenov was barred from taking a seat in the Zhogorku Kenesh (Kyrgyz parliament) after receiving

a four-year suspended sentence for assault based on an incident at Bishkek city airport four years earlier.

Usenov, who won more than 50 per cent of the votes in the first round of the elections, was prosecuted after he announced he would be running for the presidency. The victim, who was not seriously injured, had made several complaints at the time of the incident, but Usenov was then a 'favourite' of the president, and the case was not pursued.

Omurbek Suvanaliev, one of the leaders of the Ar-Namys opposition party, was also barred from the election after winning more than 50 per cent in the first round on charges connected with his earlier role as chief of the National Security Ministry for the Osh region.

But the most notorious case of the government using the courts against its opponents concerns Felix Kulov, the ex-vice president of Kyrgyzstan.

When Kulov announced he would run for president this year, criminal proceedings were levelled against him for abuse of his official position when he was national security minister. For over four months Kulov was held in a military remand prison.

When on August 11, the deputy chairman of the Bishkek Military Court, Major Ashimbek uulu Nurlan, found Kulov not guilty, he was accused by the government newspaper Slovo Kyrgyzstana (Word of Kyrgyzstan) of receiving a bribe of \$1 million. On September 11, the High Court sent the case involving Kulov back for further investigation.

The government's use of the courts against its opponents is not new. In 1997 Akaev announced a 'merciless struggle' against corruption in the top ranks of power and several head of ministries were detained.

The Minister for Agriculture and Water, Jumakadyr Akeneev, and the General Director of GALK Agrotechservice, Karypbek Asanov, who had served in their respective posts for about a year, were accused of corruption and held in a remand prison for 14 months. In April 1999, a judge of the Leninsky Regional court cleared the pair, admitting that the case against them was too weak.

"Thanks to the shameless investigators, I have lost my health and been put through two operations. For my honour and my business reputation I will fight to the last," Akeneev said at a briefing at the Kabar Information Agency. " I was accused of having done some good for the country and not having given certain bureaucrats the chance to make use of credits which were intended for the agricultural sector. I believe that we still have some honest judges. Maybe there aren't many of them, but there are some."

In the entire history of independent Kyrgyzstan, only five judges have been prosecuted for offences relating to their duties. All were acquitted and some continue to decide the fate of citizens to this day.

Yrysbek Omurzakov is an editor of Tribuna newspaper in Bishkek. He spent some time in prison after allegedly slandering the president

Location: [Kyrgyzstan](#)

Focus: [Central Asia](#)

Source URL: <https://iwpr.net/global-voices/kyrgyz-legal-paradoxes>