

Kyrgyzstan: Car Crash Heightens Unease over US Ties

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A recent traffic accident in which an American soldier hit two women has renewed debate over the immunity status of foreign military personnel.

Kyrgyz deputies are questioning whether American military personnel should continue to enjoy diplomatic military immunity from prosecution after a US driver seriously injured two women in a traffic accident in the capital Bishkek.

The accident occurred when a Toyota Landcruiser, driven by Daniel Marion, a security officer from the nearby US airbase, hit the women at about 10pm on March 14 as they were leaving the Bishkek State University Hostel, where they live.

One of the women, 35-year-old Anara, had to have her spleen removed. The other, named Baktygul, suffered various fractures and broke her pelvis and collarbone. Both received head wounds and are still in hospital.

According to Baktygul, the two women had just started to cross a wide, two-way street when Marion's car appeared from nowhere. "When I came round I found someone supporting my head and in front I saw a girl in glasses. I understood from what they were saying and the way they looked that they were Americans," she said.

A student eyewitness, called Aibek, recall seeing one of the women's bodies literally flying through the air after a loud bang. "I just froze from fear," he said. "After I saw people get out of the vehicle. I could tell from their speech that they were foreigners. A bit later an ambulance and people from the State Automobile Inspectorate arrived."

Reports in local newspapers claimed the driver had been drunk at the time.

The real controversy began, however, when it emerged that the interior ministry and US embassy personnel had not allowed automobile inspectorate officials to test the US driver for alcohol.

According to Yekaterina Martushova, a government official, Kyrgyzstan's agreement with Washington grants US military personnel the equivalent of diplomatic immunity from prosecution.

The rules governing embassy administrative and technical personnel in the 1961 Vienna Convention on Diplomatic Relations apparently rule out forcing an officer to undergo medical tests.

The convention effectively offers such individuals immunity from the host country's legal jurisdiction, though it not does exempt them from that of their home country.

The interior ministry said the US embassy had written a note, stating the Americans were "observing all the laws and regulations of Kyrgyzstan and greatly regretted the road accident". However, the letter also claimed that "both women jumped out into the road very unexpectedly".

Following the accident, the American military command in Kyrgyzstan assured the Kyrgyz side that they had briefed officers and soldiers on the traffic rules and had banned US military personnel from driving. In future they must rely on local drivers. US army investigators have arrived in Bishkek to investigate the accident.

The American armed forces have also taken responsibility for the two women's medical bills and paid preliminary compensation of 1,000 US dollars towards their healthcare. The Kyrgyz Aki-Press news agency also reported that Washington was prepared to compensate them for damages.

The US forces said they had sent a group of their own military doctors to treat the patients in Bishkek. A local hospital doctor confirmed that American military personnel had visited Anara every day in hospital at the Bishkek National Surgical Centre.

The mother of the second victim said the Americans had been equally attentive to her daughter. She said the automobile inspectorate had explained that the law ruled out trying the serviceman responsible for the accident.

In spite of the Americans' obvious concern for the two women, the incident has heightened public unease over the country's military treaty with the US and the privileges that it accords foreign soldiers.

The immunity issue has become the subject of a heated public debate, with a growing chorus asking if it is appropriate for foreign military personnel to enjoy such status.

One deputy in parliament, Kubat Baibolov said the driver in the accident ought to have been tried in Kyrgyzstan. He called for the agreement at the end of last year between the two states to be renegotiated, and immunity status withdrawn for rank and file soldiers.

With more than 1,500 US soldiers now based in Kyrgyzstan, the question is not whether but when another incident between locals and foreigners takes place. The immunity issue is unlikely to go away soon.

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