

Kyrgyzstan: Ex-Diplomats Contest “Political” Election Ban

Author: [Sultan Jumagulov](#)

Former ambassadors now active in politics are forbidden from running for office because they've lived outside the country.

Opposition groups in Kyrgyzstan say a rule forbidding former diplomats from running for parliament if they have not lived in the country for a full five years is a ploy to disqualify political figures critical of the government.

Three ex-ambassadors - Medetkan Sherimkulov, Usen Sydykov and Mambetjunus Abylov - have promised to appeal against the ruling by the Central Electoral Commission, CEC, to the country's constitutional court or if that fails, the International Court of Justice in The Hague.

All three men are political heavyweights who have criticised government policies, and had been hoping to stand for parliament in February next year. Since they have served as abroad for at least part of the last five years, they would all be prevented from standing by the rule.

Kyrgyzstan's independent ombudsman Tursunbai Bakir uulu described the actions of the CEC - which oversees elections in Kyrgyzstan - as "a violation of human rights", and called on the government to bring national laws into line with international legal norms.

The People's Movement of Kyrgyzstan - a coalition of opposition parties and groups - issued a statement saying the three men were being subjected to "political persecution" because they supported its stance.

Opposition deputy Ismail Isakov suggested the order to bar the ambassadors came directly from the administration of President Askar Akaev.

"As the president's term is ending, his circle is trying to bring as many of its own people into parliament, and not to let in strong opponents such as the three former ambassadors," Isakov told IWPR.

One senior deputy, Beishebek Akunov, said that the CEC's decision was completely illogical.

"The ambassadors carried out the orders of the head of Kyrgyzstan in foreign countries. They were representing our country abroad, not running their own business," he said.

The president's special representative in parliament, Murat Ukushev, sees it differently, maintaining that former and current ambassadors do not have the right to stand for parliament because they have recently been resident abroad.

"The territories of our embassies are not the property of our country, as we temporarily rent them for our diplomatic institutions, and that says it all," Ukushev said in parliament.

But others argued that under international law, envoys in foreign missions were technically living on sovereign Kyrgyz territory.

Muratbek Imanaliev, a former foreign minister and now a professor at the American University in Central Asia, said that under the Vienna convention of 1961, embassies are the property of the country they represent and are regarded as inviolable territory.

Marat Kayipov, a member of the constitutional court, agreed, "An embassy displays the flag and coat-of-arms of the country that it represents, and so the territory is under the jurisdiction of this country. Accordingly, diplomats serve on the territory of their own country, and can make use of all constitutional rights," he said.

CEC chairman Sulaiman Imanbaev touched off the controversy in a November 5 interview when he said that both the constitution and the electoral code stated a parliamentary deputy must have lived in the country for the past five years.

On November 11, former ambassadors submitted a motion to parliament calling for the law to be changed. However, deputies on November 23 failed to pass the amendment that would have allowed the diplomats to run.

Presidential press secretary Abdil Segizbaev went as far as to accuse the former ambassadors of pursuing their claim because they had been sacked for incompetence and now held a grudge against the government.

Imanbaev defended the exclusion to IWPR in more measured terms, saying that by barring people who have lived abroad for an extended period, the CEC is ensuring that everyone standing for office has a good understanding of domestic issues.

"The Constitution and the Election Code do not make any exceptions for anyone, even where they work for the state," he said.

Critics point out that although the rule does exist, it has not been applied before. Renowned writer Chingiz Aitmatov, currently ambassador to the Benelux countries, was elected as a deputy to the last parliament without any problems. He is not seen as a critic of the government.

Sydykov stood for parliament in the Karakulja district of southern Kyrgyzstan in 2003. Although he won, the election result was annulled by the CEC, which accused him of irregularities, sparking angry protests by his supporters.

Former ambassador Abylov accused the CEC of interpreting the law in a biased way.

"It is quite obvious that Imanbaev is being used as a political tool by the regime, who is scared of allowing experienced figures like us into major-league politics," he told IWPR. "To the regime, we are guilty of holding an opinion about events in the country that differs from theirs."

Medetkan Sherimkulov, a one-time parliamentary speaker and until 2002 the ambassador to Turkey, says the diplomats have had their fundamental rights "stolen".

"This is a tragedy not for ambassadors, but for all Kyrgyzstan as a nation," said Sherimkulov.

Sultan Jumagulov is an IWPR correspondent in Bishkek. Ainagul Abdrakhmanova, IWPR programme coordinator in Kyrgyzstan, contributed to this article.

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