

# **KYRGYZSTAN'S PRISON SYSTEM NIGHTMARE**

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## KYRGYZSTAN'S PRISON SYSTEM NIGHTMARE

### EXECUTIVE SUMMARY AND RECOMMENDATIONS

While Kyrgyzstan still struggles to find political stability in the wake of its 2005 revolution, deteriorating conditions in its prison system, known by its Russian acronym GUIN, pose a threat to the fragile state's security and public health. Badly underfunded and forgotten, GUIN has all but lost control over the nearly 16,000 inmates for which it is responsible. Power has passed into the hands of criminal leaders for whom prison populations are armies in reserve. A lack of buffers between prisons and the government has meant that trouble in jails has already led to serious conflicts outside their crumbling walls. The risks of strife in prisons leading to wider political instability is likely to worsen unless the government and donors launch an urgent process of penal reform.

Transferred from the jurisdiction of the Ministry of Internal Affairs (MIA) to the Ministry of Justice (MoJ) in 2002, GUIN is responsible for 36 penal institutions, including prison camps and investigative detention facilities. Guards no longer control the prisons, which are run by criminals, who enforce a strict and sometimes violent caste system. An informal treasury, the *obshchak*, is used to meet the prisoners' needs when the authorities cannot or will not; the influence of the *obshchak* has grown to the point where its power exceeds that of the authorities. At the centre of the system until mid-2005, one inmate, Aziz Batukayev, controlled a criminal empire within the prison walls.

The dangers became apparent in October 2005, when riots broke out in several prisons simultaneously, and a member of parliament, Tynychbek Akmatbayev, was murdered while visiting Batukayev's prison camp. This sparked a political crisis, with the murdered politician's brother, Ryspek Akmatbayev, himself an alleged criminal leader and rival of Batukayev, orchestrating large demonstrations in Bishkek that demanded the resignation of Prime Minister Feliks Kulov, whom he accused of engineering the killing.

The prison uprisings ended with the storming of Batukayev's camp and his arrest; Ryspek Akmatbayev was killed in May 2006. However, Batukayev is said to

retain substantial authority within the prison system while he awaits trial, and new criminal leaders are emerging.

Despite some efforts to improve its financing, GUIN remains desperately underfunded and in debt, unable to carry out basic repairs or even provide proper nourishment for inmates. GUIN personnel are among the lowest paid in the law enforcement and security agencies, despite a recent salary increase, and have perhaps the lowest status. Opportunities for training are few. Poor pay and dangerous working conditions make it hard to attract qualified staff. Shortages of non-lethal weaponry mean that staff are vulnerable as they perform their duties, and there are few options other than major lethal force when trouble breaks out. The "settlement colonies", in theory an intermediary stage between incarceration and release, are so poorly maintained that escape poses no difficulty. Corruption is rife at all levels of the system. Access to even rudimentary medical care is severely limited; tuberculosis and HIV/AIDS infection rates are massively higher than outside the prisons.

The human rights situation is dire as well. Inmates enforce a strict hierarchy, subjecting the weaker to brutal treatment. Beatings by police in pre-trial detention are common as investigators seek to extract confessions. Suspects awaiting trial and convicted persons awaiting transfer to prison spend months in squalid and inhumane conditions. Though a capital punishment moratorium has been in place since 1998, death sentences continue to be handed down, and death-row inmates are packed into overcrowded, unhealthy holding facilities, in which several die each year. The penal code retains a harsh, punitive character, and acquittals or alternative sentences are rare. Efforts at legal reform have stalled.

There is talk about alleviating the financial crisis in GUIN by resurrecting Soviet-style factory production within the prisons and reducing the prison population through liberalising the criminal code but economic realities and the political climate do not augur well for these steps. The government has published a reform strategy, entitled "*Ümüt*" ("Hope"), but it is short on specific detail, and donor response has been muted at best.

GUIN's problems are common to prisons throughout the former Soviet Union and, to a certain extent, around the world. However, the lack of barriers between the prisons and the civilian sector – including political life – make the problems especially dangerous in Kyrgyzstan. If they are to be overcome, comprehensive reform of the justice system in its entirety, including police, prosecutors and courts, as well as prisons, is needed.

## **RECOMMENDATIONS**

### **To the Government of Kyrgyzstan:**

1. Alleviate the financial crisis in GUIN by:
  - (a) giving tax incentives for small-scale enterprises in prisons to provide prisoners with activity and income; and
  - (b) cancelling GUIN's tax debts to the government.
2. Encourage courts to make use of alternative forms of punishment, especially for first-time petty offenders, beginning with women and children.
3. Allow and encourage public monitoring bodies to oversee prison conditions and receive prisoners' complaints.
4. Improve the living and working conditions for prison staff, including by offering expanded packages of social protection.

5. Revise the "Ümüt" strategy to identify specific projects with step-by-step timelines and budgets.

### **To the Parliament of Kyrgyzstan:**

6. Abolish the death penalty, replacing it with long-term imprisonment.
7. Liberalise the criminal code, easing its excessively punitive character.

### **To Donors:**

8. Make prison reform a priority and engage directly with the Kyrgyz authorities to identify possible areas of cooperation.
9. Facilitate study trips so that Kyrgyz officials can learn from the prison-related experiences of other post-Soviet countries.
10. Provide assistance for the renovation of existing penal institutions so as to improve living conditions for inmates.
11. Continue and expand efforts to assist in all aspects of justice system reform, including the police, the Prosecutor General's Office, the courts, and the prison system.

**Bishkek/Brussels, 16 August 2006**

## KYRGYZSTAN'S PRISON SYSTEM NIGHTMARE

### I. INTRODUCTION

The government of President Kurmanbek Bakiyev has struggled to establish its authority since coming to power following the ouster of President Askar Akayev in March 2005.<sup>1</sup> Akayev's sudden removal ushered in a period of chaos and low-level violence as rivals scrambled to control the country's limited resources. The power vacuum resulting from the regime's collapse created new opportunities for criminals to expand their influence into politics.

Some of these criminals have maintained a powerbase in the country's prisons, a chaotic network of under-funded and weakly controlled camps and jails that represent a serious threat to stability because of the way in which problems within their walls can spill out into politics. Prisons also represent threats to the wider public because of the worsening rates of tuberculosis and HIV among their population.

Dissatisfaction with the new balance of power and impatience at the slow pace of reforms led to the rise of a new opposition movement, "For Reforms!" (*Za reformy*), which includes parliamentarians seeking to strengthen the weight of their own institution as well as former allies of Bakiyev. It has staged demonstrations around the country, including two relatively large ones in Bishkek in April and May 2006, but the public's response has been disappointing, and its leaders have suspended further public action for the moment.

As Kyrgyzstan enjoys a rare moment of quiet on the political front, however, new challenges have emerged. In particular, the government has expressed alarm about the apparently increased activity of radical Islamic

groups, including the avowedly non-violent Hizb ut-Tahrir but also violent extremist groups such as the Islamic Movement of Uzbekistan (IMU), to whom a number of recent violent incidents in Kyrgyzstan's south have been attributed.<sup>2</sup> This has prompted Bakiyev to seek closer cooperation with Uzbekistan's president, Islom Karimov, whose dictatorial policies have in many ways engendered the very danger Kyrgyzstan is now trying to contain.<sup>3</sup> This cooperation took a particularly disturbing turn on 9 August 2006, when five Uzbek asylum seekers from Andijon – four of whom had already been granted refugee status by the UN High Commission for Refugees (UNHCR) were forcibly returned to Uzbekistan.

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<sup>2</sup> The clashes have claimed a number of lives. In mid-May 2006, an armed group stormed a border guard base in Tajikistan's northern province of Sughd, seizing weapons and killing several border guards; the group was eventually surrounded by Kyrgyz security forces in the southern province of Batken and most of its members killed. In July, armed alleged terrorists were killed in the southern Kyrgyz city of Jalalabat, and in early August, security forces killed two suspected terrorists in a shootout in the city of Osh; also killed was Muhammadrafiq Kamolov, the popular and influential imam of the congregational mosque of the border town of Karasuu. Kamolov himself had never denied that his mosque was frequented by Hizb ut-Tahrir members, but no connection between the imam and Hizb ut-Tahrir or other radical groups has ever been proven. His funeral in Karasuu was attended by thousands. On 9 August 2006, a number of Central Asian media outlets received a voice email thought to be from Tohir Yuldoshev, the IMU's leader, who denied any connection between the IMU and Kamolov and claimed that the IMU had no connection to the recent violence in southern Kyrgyzstan. About 1,000 of Kamolov's supporters held a demonstration outside the Karasuu regional administration on 11 August, demanding that the imam be officially cleared of any allegations of connections to terrorists.

<sup>3</sup> For more information on Uzbekistan under Islom Karimov, see Crisis Group Asia Briefing N°45, *Uzbekistan: In for the Long Haul*, 16 February 2006; Crisis Group Asia Briefing N°38, *Uzbekistan: The Andijon Uprising*, 25 May 2005; Crisis Group Asia Report N°76, *The Failure of Reform in Uzbekistan: Ways Forward for the International Community*, 11 March 2004; Crisis Group Asia Report N°46, *Uzbekistan's Reform Program: Illusion or Reality*, 18 February 2003; and Crisis Group Asia Report N°21, *Central Asia: Uzbekistan at Ten – Repression And Instability*, 21 August 2001.

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<sup>1</sup> For previous reporting on Kyrgyzstan under Bakiyev, see Crisis Group Asia Report N°109, *Kyrgyzstan: A Faltering State*, 16 December 2005, and Crisis Group Asia Report N°97, *Kyrgyzstan: After the Revolution*, 4 May 2005. For more on Kyrgyzstan under Askar Akayev, see Crisis Group Asia Report N°81, *Political Transition in Kyrgyzstan: Problems and Prospects*, 11 August 2004; Crisis Group Asia Report N°37, *Kyrgyzstan's Political Crisis: An Exit Strategy*, 20 August 2002; and Crisis Group Asia Report N°22, *Kyrgyzstan at Ten: Trouble in the "Island of Democracy"*, 28 August 2001.

While it remains to be seen how deep the new-found friendship truly is – relations had been strained since Bakiyev came to power – it is indicative of a trend throughout Central Asia of increasing interstate cooperation to suppress dissent, particularly dissent with a religious colouration. Kyrgyzstan, like other Central Asian states, is also moving closer to Russia, a change from Akayev's more balanced foreign policy. Relations with the West in general and the U.S. in particular have come under some strain,<sup>4</sup> and the growing suspicion of activities of Western governments and organisations common to other Central Asian governments is occasionally making itself felt in Kyrgyzstan.

All this means that the reforms, including limitations on the power of the president, which so many have been hoping for have yet to materialise. Bakiyev appears to be gradually consolidating his hold on power. What he chooses to do with that power, however, is uncertain; some have questioned his commitment to reform. Still, the political climate remains by far the most conducive in Central Asia, and reform is sorely needed. Years of neglect, corruption and bad governance under Akayev have left social and political institutions in a woeful state.

The penal system is one of the most neglected sectors. This report, based on interviews with government officials, prison staff and inmates, human rights activists and representatives of international organisations, presents the problems facing Kyrgyzstan's prisons and the potential dangers they pose to stability, and analyses proposed strategies to solve them.

## II. THE PENAL SYSTEM

In many ways, the penal system is a microcosm of the problems faced by post-Akayev Kyrgyzstan. Its desperate shortage of funds, corruption, collapsed health sector and rising influence of criminal elements all can be found in the civilian world as well. And just as they pose real threats and conflict potential in the civilian sector, their presence in the prisons poses grave dangers for security and stability both inside and outside the walls.

### A. GUIN: AN OVERVIEW

The penal system is administered by the General Directorate for the Execution of Punishment (*General'noe upravlenie po ispolneniiu nakazanii*, or GUIN). Until recently, GUIN was under the jurisdiction of the Ministry of Internal Affairs (MIA), which controls the police. In 2002, at the urging of international organisations and local human rights activists, control over GUIN was given to the Ministry of Justice (MoJ), a transfer intended to improve transparency and allow local and international observers greater access to prisons.

GUIN's jurisdiction includes 36 penal establishments. Eleven are "strict-regime" prison camps or "colonies", including one each for women, male minors and members of the law enforcement agencies, such as the MIA, the National Security Service (*Sluzhba natsional'noi bezopasnosti*, or SNB) and the prosecutor general's office.<sup>5</sup> GUIN is also responsible for nineteen "settlement colonies" (*kolonii-poseleniia*); in theory, their inmates can leave during the day, provided they return at night. Finally, GUIN controls investigative detention facilities (*sledstvennye izoliatory*, or SIZO), of which there are six, including one for women. The MIA has maintained jurisdiction over the 47 temporary detention facilities (*izoliatory vremennogo sodержaniia*, or IVS), where suspects are confined until a prosecutor determines whether to pursue the case; officially, the maximum time a suspect

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<sup>4</sup> Recently, Kyrgyzstan expelled two U.S. diplomats, accusing them of interference in internal affairs. The expulsions, unprecedented in Central Asia, came as negotiations over continued U.S. use of the Ganci Airbase at Bishkek's Manas International Airport were entering into their final stage. Nonetheless, agreement was reached, with the U.S. pledging "\$150 million in assistance and compensation over the next year, pending approval by the U.S. Congress". See the U.S. State Department's website, <http://usinfo.state.gov/>.

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<sup>5</sup> This prison, referred to as "red" in inmate slang, is in the village of Jangyjer, Chüy province. Prime Minister Feliks Kulov was sent there after being convicted for corruption under the Akayev regime. In addition to former law enforcement officials, it also hosts those sentenced to terms of five years or less, those sentenced for economic crimes (regardless of the term), and convicts 50 or older. Built to hold 500 inmates, it accommodates 380, making it one of the less crowded, with markedly better conditions – due in no small part to contributions by Kulov's supporters while he was there. Crisis Group interview, Temir Mamatov, administrator of Colony "19", and observations during visit, Jangyjer, 26 July 2006.

can spend in an IVS is ten days after being formally charged. The MIA likewise retains control over the Criminal-Executive Inspectorate (*Ugolovno-ispolnitel'naia inspektsiia*, or UII), responsible for monitoring convicted persons whose sentences do not call for imprisonment.<sup>6</sup>

Of the 36 institutions under GUIN's control, 22 are in the northern province of Chüy; the only prison camp elsewhere is in the southern province of Jalalabat. There are SIZOs in four of the seven provinces.<sup>7</sup> Three prison camps have special facilities for inmates with tuberculosis (TB); Colonies "3" and 27" are for chronic TB cases; Colony "31" is for new cases.<sup>8</sup> "Settlement colonies" are somewhat more widespread.

As of 1 January 2006, GUIN was responsible for 15,758 inmates, a high number for a country with a population of just over five million.<sup>9</sup> Prison security – including control over the checkpoints at the colonies' entrances – and the transportation of inmates to and from prison is overseen by the department of protection and convoys, also subordinate to the MoJ but institutionally separate from GUIN.

## B. PRISON SOCIETY

Central to life in every prison is the *obshchak*, an informal association of inmates which has existed, some say, since Tsarist times. The *obshchak*, much more than the prison administrators, maintains a rough order; indeed, over the years a kind of symbiosis has emerged between the two, with the prison administration responsible for meeting the inmates' basic needs and the *obshchak* left to manage the everyday life of the inmates, with little interference as long as order is maintained and prison officials – especially the "master" (*khoziain*), or head of the prison

– are unharmed. "The *obshchak* has always existed", said Niyazaly Bekbergenov, a human rights activist who was himself once an inmate. "The authorities created it to control the inmates".<sup>10</sup> In the past, such informal cooperation allowed problems to be solved on both sides. "If the 'master' and the head of the *obshchak* are on good terms", an expert said, "then everything is fine".<sup>11</sup>

At the pinnacle of the inmate community stands the "thief by law" (*vor v zakone*), who holds one of the highest possible ranks in the post-Soviet criminal underworld. The requirements for becoming a *vor* are strict. Candidates must never have served in or cooperated with official structures of any kind, including the military; they cannot marry, have children or murder. In prisons, the *vor* is forbidden to do any work. One can only claim the title after being "crowned" at a special gathering of *vory* from all over the former USSR in Moscow; after this, the *vor* is expected to dedicate his life to the wellbeing of the *obshchak*. Each prison under the *vor*'s jurisdiction is controlled by a deputy, called *polozhenets*. "The law of the *vor* is strict but fair", a former inmate said. "The *vor* is a kind of older brother, an ideal in the criminal world".<sup>12</sup> Until recently, the only *vor* in Kyrgyzstan was Aziz Batukayev, an ethnic Chechen from the city of Tokmok in Chüy province who wielded enormous influence in the prisons. "Batukayev was more powerful than the president", an official said, only half in jest.<sup>13</sup>

In the prisons themselves, the *obshchak* maintains an informal treasury, divided into the "civilians' pot" (*kotel liudskii*) for rank-and-file prisoners, and the "thieves' pot" (*kotel vorovskoi*) for elite prisoners. All inmates must contribute whatever income they have to the "pots"; the coffers are also filled by contributions from outside criminal leaders. The "pots" are used to buy "shares" (*paiki*) for the prisoners; these include cigarettes, groceries, tea – and drugs. In fact, dealing in drugs is one of the main sources of income for the *obshchak*. "Why is the head of the *obshchak* strong?", asked a GUIN official. "Because he controls the drugs trade, and prisons are the best market for drugs, the most reliable one. Just think – you have 16,000 potential drug users in the prison system – can you imagine what kind of market that is?"<sup>14</sup>

Money from the *obshchak* also makes its way into the civilian economy. *Obshchak* leaders often invest, just as legitimate businessmen do. It is also not uncommon for *obshchak* heads to spend the money for their own ends,

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<sup>6</sup> Those under the jurisdiction of the UII do not have the right to change their place of work or residence without its knowledge and have certain other limitations placed on their movements.

<sup>7</sup> Batken, Talas and Jalalabat are the provinces with no SIZO. If no SIZO is near, suspects are often detained in an IVS for lengthy periods; see Section III B1 below. In Talas, those awaiting trial are often detained in nearby Taraz, Kazakhstan.

<sup>8</sup> Crisis Group interview, Bishkek, November 2005.

<sup>9</sup> Kyrgyzstan has an incarceration rate of roughly 288 per 100,000 population. This puts it in the middle of Central Asian countries: incarceration rates per 100,000 are 164 for Tajikistan; 184 for Uzbekistan; 364 for Kazakhstan; and an estimated 489 for Turkmenistan. Among other former Soviet states, Kyrgyzstan compares favourably with Latvia (292), Estonia (333), Ukraine (364), Belarus (426) and Russia (603). Otherwise, however, its rate is exceeded only by South Africa (335), Botswana (339), Panama (351), Suriname (437), Belize (470) and the U.S. (738). The International Centre for Prison Studies, <http://www.prisonstudies.org/>.

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<sup>10</sup> Crisis Group interview, Bishkek, 25 October 2005.

<sup>11</sup> Crisis Group interview, Anara Abdugaparova, Human Rights Ombudsmen's Office, Bishkek, 17 November 2005.

<sup>12</sup> Crisis Group interview, Bishkek, November 2005.

<sup>13</sup> Crisis Group interview, Bishkek, March 2006.

<sup>14</sup> Crisis Group interview, Bishkek, October 2005.

though this is considered a serious violation of the “thieves’ law” and can result in disciplinary action. For instance, when the *polozhenets* of Colony “3” spent *obshchak*’s whole “pot” – some \$3,800 – for himself, a new *polozhenets*, Qahramon Matyaqubov, was promptly dispatched to replace him and restore “order” in the *obshchak*.<sup>15</sup>

In its ideal form, then, the *obshchak* is indeed a kind of guarantor of security within the prison walls. It does, however, have a darker side. It is generally controlled by powerful career criminals (*blatnye*) who enforce a rigid, at times brutal, caste system. Below them are the *muzhiki*, “lads”, or petty criminals. A third caste consists of those who cooperate with the authorities, often referred to as *krasnye*, “reds”. The lowest caste are the “roosters” (*petukhi*), outcasts forced to perform the most menial and degrading tasks in the prison (cleaning toilets, for instance) and offer sexual favours to higher castes, a major factor in the spread of HIV/AIDS among prison populations. *Petukhi* are made to live separately, and non-sexual physical contact with them is to be avoided at all costs.<sup>16</sup> In a situation where the state is increasingly unable to maintain its end of the relationship, the *obshchak* can quickly move from equal to dominant partner, with potentially grave consequences.

## C. UNREST IN THE PRISONS

### 1. The October 2005 crisis and its aftermath

In September 2005, inmate Qahramon Matyaqubov was transferred from Colony “31” in the Chüy valley town of Moldovanovka to Colony “3” in Novo-Pokrovka, where the *polozhenets* had reportedly spent most of the *obshchak*’s funds for himself. There are rumours that Batukayev personally dispatched Matyaqubov to establish his control over the camp; Colony “3” had always been regarded as relatively safe, most of its inmates “reds” willing to cooperate with prison authorities. With Matyaqubov’s arrival, this changed; “red” prisoners were reportedly beaten and killed, and administrators were banned from the prison yard.<sup>17</sup> Matyaqubov quickly imposed a new order, taking control of the income from the colony’s small, but functioning furniture factory. He also oversaw the construction of kiosks, which, inmates say, were used to sell groceries. Prison authorities say he built a bar, where vodka and beer were sold. Matyaqubov

likewise reclaimed a mosque which had been turned into a barracks.<sup>18</sup>

Shortly thereafter, trouble spread to Colony “31” in Moldovanovka, some 25 kilometres from Bishkek. On 20 October, after weeks of growing unrest in the colonies, parliamentarian Tynychbek Akmatbayev, head of the committee on defence, security, law and information policy, accompanied by GUIN head Ikmatulla Polotov, entered Colony “31”, apparently to negotiate with rebellious inmates. This was no ordinary camp – it was home to Aziz Batukayev, not Kyrgyzstan’s sole *vor v zakone* but also a long-time rival of Akmatbayev’s older brother and alleged criminal authority, Ryspek Akmatbayev.<sup>19</sup> Exact circumstances are unclear but according to the official version, Batukayev, previously informed of the visit, ordered Rustam Abdulin, the former *polozhenets* of Colony “16” and a convicted murderer, to kill him.

Abdulin shot and wounded the parliamentarian as the delegation prepared to leave the prison.<sup>20</sup> Akmatbayev tried to flee but was cornered, beaten and shot to death. Three other members were severely beaten and – according to charges filed against Batukayev – shot to prevent them telling what they saw. Two died on the spot; the third, the GUIN head, Polotov, died in hospital.<sup>21</sup> Some members managed to flee; the rest were taken hostage.

MIA forces surrounded the camp, preparing to storm it, but Prime Minister Kulov accepted the inmates’ demand that he negotiate and was able to obtain release of surviving members of the delegation as well as the

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<sup>18</sup> Crisis Group interviews, inmates and administrators of Colony “3”, Chüy province, 9 November 2005.

<sup>19</sup> Among the crimes of which Ryspek Akmatbayev was accused was the murder in 2003 of Batukayev’s brother-in-law, Khavaji Zaurbekov. Batukayev’s presence in the camp made Akmatbayev’s visit especially dangerous; Akmatbayev is said to have ignored repeated warnings not to enter the camp.

<sup>20</sup> On trial, Abdulin, while admitting his guilt, said his actions had not been ordered by Batukayev but were in retaliation for Ryspek Akmatbayev’s alleged role in the April 2005 slaying of stuntman Üsön Kudaybergenov. Karina Astasheva, “Zabavnoe shou” [An amusing show], *Delo N°* 26 April 2006. Kudaybergenov, a close friend of Prime Minister Kulov, had played a key role in organising self-defence groups in Bishkek to combat the wave of looting that followed Akayev’s ouster. See Crisis Group Report, *After the Revolution*, op. cit.

<sup>21</sup> According to one version, Polotov was killed because he had violated an unwritten rule of the relation between the “master” and the *obshchak*; he had entered the prison yard armed and brought with armed outsiders into the prison (Akmatbayev and his entourage were reportedly armed as well). Vadim Nochevkin, “‘Muzhiki’ berut slova obratno” [The “lads” are taking their words back], *Delo N°*, 19 April 2006.

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<sup>15</sup> Figures denoted in dollars (\$) in this report refer to U.S. dollars.

<sup>16</sup> For more detailed information on the caste system in post-Soviet prisons, see the website of the Russian prison-reform NGO “Tiur’ma i volia”, [www.prison.org](http://www.prison.org).

<sup>17</sup> Crisis Group interviews, staff of Colonies “3” and “22”, Chüy province, October 2005.



bodies and weapons of the victims. The situation remained tense, however, with GUIN employees in effect on strike. "We won't go inside [the camp]", one said. "If they shot their 'master', the head of GUIN, then they'll just swat us like flies. We don't even have truncheons to defend ourselves. And they're armed. Why didn't Kulov send in the special forces? Let the troops go in and take their weapons".<sup>22</sup> Unrest also broke out in other high-security camps in Chüy province, and prison officials similarly refused to work, as a consequence of which many camps – all within 50 kilometres of the capital – were virtually unguarded. Security forces had to take up positions outside the camps to prevent escapes.

After the killings, Ryspek Akmatbayev and thousands of his supporters demonstrated in Bishkek, accusing Kulov of having arranged Tynychbek Akmatbayev's murder with Batukayev and demanding his resignation. Tensions were high for several days as the government seemed uncertain of how to respond. The demonstrations finally ended after parliament agreed to form a commission to investigate the killings.<sup>23</sup>

As Bishkek breathed a sigh of relief, troubles continued in the prison camps until 1 November, when MIA and GUIN special forces stormed Camp "31", using armoured personnel carriers and heavy weapons.<sup>24</sup> Rebellions in other colonies were likewise put down with force. Batukayev's relatives say he was severely beaten before being taken into custody.<sup>25</sup> According to official accounts, four inmates were killed in the storming of Colony "31"

and in violence between prisoners in Colony "8";<sup>26</sup> others have said the death toll was higher.<sup>27</sup>

Batukayev, Abdulin and 37 others went on trial in Bishkek in April 2006 for the previous October's events. Batukayev and Abdulin were charged with, among other crimes, being accomplices to murder and murder, respectively; the prosecution requested the death penalty (which raises problems of its own; see below).<sup>28</sup> Among the others on trial were Batukayev's common-law wife, Evgeniia Tarasova, and his sister-in-law, Roza Mejidova, both charged with attempting to smuggle weapons and money out of the colony during the storming; the charges against them have since been dropped. Most of the accused denied any involvement in or knowledge of the events of 20 October and alleged that earlier confessions had been obtained by threats and beatings. There were also allegations of beatings during the trial itself, in retaliation for the defendants asking too many questions in court.<sup>29</sup> In May, nine accused leaders of the uprising in Colony "3", including Matyaqubov, received sentences ranging from twelve to fourteen additional years in prison.<sup>30</sup> On 3 August, the court of Alamüdüin district found Batukayev guilty of possessing and manufacturing illegal weapons and sentenced him to sixteen years in prison; Abdulin was convicted of Akmatbayev's murder and sentenced to death, as was the former *polozhenets* of Colony "31", Evgenii Golovin, and a third inmate, Azamat Zakirov.<sup>31</sup>

<sup>22</sup> Crisis Group interview, October 2005.

<sup>23</sup> For more on the demonstrations and responses to them, see Crisis Group Report, *A Faltering State*, op. cit. The trial of Ryspek Akmatbayev for the murder of Batukayev's brother-in-law, among others, began in November 2005 after numerous delays; he was acquitted and then was elected handily to his slain brother's parliamentary seat in their native province of Isykköl. The Central Election Commission refused to recognise the outcome, citing pending appeals of Akmatbayev's acquittal by relatives of another of his alleged victims, police Colonel Chynybek Aliyev, killed in 2004. Allegations of connections between Akmatbayev and senior officials galvanised opposition to Bakiyev's presidency among powerful disaffected political elites, and demands to sever the ties between government and organised crime became the rallying cry of demonstrations in Bishkek in April and May 2006. In late May, Akmatbayev was gunned down while leaving a mosque on the outskirts of Bishkek; his murder remains unsolved.

<sup>24</sup> Aziz Batukayev's sister, Yakha, said the assault came without warning. "Our relative who was visiting Aziz called us and only had time to say, 'They've released gas, they're shooting!' before the line went dead". Crisis Group interview, 14 November 2005.

<sup>25</sup> Shortly after the storming, Yakha Batukayeva said: "We're not allowed to see him, we can only bring him medicine and bandages. We have no idea what state he's in". Crisis Group interview, 14 November 2005.

<sup>26</sup> Leila Saralaeva, "Kyrgyzstan: Furore Over Crushing of Prison Revolt", Institute for War and Peace Reporting (IWPR), *Reporting Central Asia*, No. 418, 5 November 2005.

<sup>27</sup> Human Rights Ombudsmen Bakir-uulu says that four inmates were killed in Colony "31", while a further six were killed elsewhere. Crisis Group interview, Bishkek, 23 March 2006. Other human rights activists say no one knows the exact number of inmate deaths in the disturbances of October and November 2006 but that it was higher than the official figure. Crisis Group interviews, Bishkek, July 2006.

<sup>28</sup> "Prokuratura prosit dlia Batukaeva i Abdulina smertnuiu kazn" [The prosecutor is asking for the death penalty for Batukayev and Abdulin], AKIpress, 30 June 2006, <http://kg.akiexpress.org/news/29465>.

<sup>29</sup> During one court session following these allegations, two suspects, apparently unable to walk, were seen being carried into the courtroom by their fellow defendants. Crisis Group observation, April 2006.

<sup>30</sup> "General'naia repetitsiia dlia 'vora v zakone'" [A dress rehearsal for the "thief in the law"], *Delo N°*, 10 May 2006.

<sup>31</sup> "Aziz Batukaev prigovoren k 16 godam lisheniia svobody Alamudunskim sudom Kyrgyzstana" [Aziz Batukayev is sentenced to sixteen years' imprisonment by Kyrgyzstan's Alamüdüin district court], 24.kg agency, 3 August 2006, <http://www.24.kg/community/2006/08/03/5295.html>.

## 2. Voznesenovka

Kyrgyzstan has one institution for young offenders, Colony "14", near Bishkek in the village of Vosnesenovka. As of May 2006, 75 male offenders, fourteen to eighteen years old, were being held there, from all regions of the country.<sup>32</sup> A prison officer has reported that the most common offence the adolescents are held for has recently become murder, rather than robbery.<sup>33</sup> The institution replicates the criminal structures in adult prisons, with its own *polozhenets* and "untouchable" castes. Inmates, who have free access to a neighbouring women's SIZO, have claimed to journalists that they are brutally treated by prison officers, beaten for any possible pretext and forced to undress outside in sub-zero conditions.<sup>34</sup>

There have been a number of riots and uprisings in the young offender's institution. In May and September 2005, inmates armed with improvised weapons staged a series of demonstrations.<sup>35</sup> In early 2005, ten swallowed nails, apparently in protest at conditions, and two died.<sup>36</sup> On 1 September 2005, according to the deputy ombudsman, Sadyk Sherniyaz, 50 prisoners went onto the roof of their barracks to protest the living conditions; the protest was harshly put down by special forces, and nine were sent to high security adult detention centres, without the knowledge of their parents and guardians, in breach of their rights. Between 8 and 10 September, three of the transferred inmates were reportedly beaten repeatedly in the detention centre by special forces.<sup>37</sup>

On the night of 22 January 2006, 53 inmates, led by a 23-year old, attempted to break out of the prison. Most were detained on the premises, one in a nearby town. Also in January, nine detainees slashed their stomachs with razor blades, in what they claimed was a protest against

physical and psychological abuse by the prison authorities. They were stitched up by medics.<sup>38</sup>

A local NGO activist, however, expressed scepticism that the Voznesenovka disturbances were motivated by prison conditions, pointing out that the young inmates had not previously complained. She offered a different explanation: "The influence of criminal elements in the prison subculture is much greater on the young than on adults. Minors are the driving force in the criminal world. In my view, this rebellion was a planned action".<sup>39</sup>

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<sup>32</sup> Obshestvennoy Reiting, *Boldzhurova posetila zhenskuyu koloniu*, 25 May 2006, www.pr.kg.

<sup>33</sup> Denis Vetrov, *V Kyrgyzstane vozroslo chislo nesovershennoletnikh, otbyvayushchikh nakazanie za ubiistvo*, 24.kg agency, 25 May 2006, www.24.kg.

<sup>34</sup> Raisa Kamarli, "Bunt maloletok" [A childrens' rebellion], *Vechernii Bishkek*, 27 January 2006, www.vb.kg.

<sup>35</sup> Ibid. According to some eyewitnesses, the trouble began when authorities sealed the hole in the wall between the juvenile prison camp and the women's SIZO. Crisis Group interview, Bishkek, April 2006.

<sup>36</sup> Bogdanov, "Nesovershennoletnye", op. cit.

<sup>37</sup> "Institut ombudsmena KR: V sisteme GUIN prokratilas' volna buntov sredi zakliuchennykh" [The institute of the Ombudsmen of the Kyrgyz Republic: In the GUIN system a wave of uprisings has swept through the inmates], AKIpress, 13 September 2006, news.akiexpress.org.

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<sup>38</sup> Kamarli, "Bunt maloletok", op. cit.

<sup>39</sup> Crisis Group interview, Bishkek, 13 July 2006.

### III. THE CHALLENGES

#### A. INSTITUTIONAL

##### 1. Financing

Visitors to Colony "19", 50 kilometres from Bishkek, are greeted by the skeletal remains of a sizeable factory; once Kyrgyzstan's main source for theatre seats and tractor chains, it contains only rubble and twisted bits of rusted scrap metal.<sup>40</sup> A stand outside the office of the director of Colony "16", 45 kilometres from Bishkek, recalls better days. "We will strengthen the Twelfth Five-Year-Plan<sup>41</sup> with deeds!", declares the slogan above yellowed photographs of the factory and its chief product, tractor wheels.<sup>42</sup> In Soviet times, Kyrgyzstan's prison colonies boasted twelve factories, and GUIN was the fourth largest contributor to the republic's budget.<sup>43</sup> Cholushev, who was administrator of Colony "3", says its factory products were exported to 57 countries.<sup>44</sup> Production was the main source of GUIN's financing and also provided income for inmates. "The inmates could earn money," said Kapar Mukeyev, head of GUIN during the October 2005 crisis. "When they got out, they could even buy cars".<sup>45</sup>

Now, all that remains are ruined factories, their equipment long sold off as scrap metal.<sup>46</sup> "The inmates used to work for eight hours a day and dreamed only of getting back to their beds to sleep," a prison director recalled during the prison crisis. "Now they have nothing to do all day. There's no production anywhere. They make some souvenirs – wooden boxes, backgammon sets, souvenir knives – just to earn a little money to buy cigarettes".<sup>47</sup>

<sup>40</sup> Crisis Group observations during visit to Colony "19", 26 July 2006.

<sup>41</sup> The Twelfth Five-Year-Plan, the last in the Soviet Union, covered the period from 1986 to 1990.

<sup>42</sup> Crisis Group observations during visit to Colony "16", October 2005.

<sup>43</sup> Crisis Group interview, Almaty, 24 January 2006.

<sup>44</sup> Crisis Group interview, Kulbay Cholushev, chairperson of GUIN, Bishkek, 23 May 2006.

<sup>45</sup> Crisis Group interview, Kapar Mukeyev, then chairperson of GUIN, Bishkek, 9 September 2005.

<sup>46</sup> Prosecutor General Kambaraly Kongantiyev has recently said that over 1,000 machine tools from GUIN's prison factories were illegally sold as scrap metal, providing unreported income for GUIN officials and their cronies. "Genprokuratura reorganizuet spetsprokuraturu" [The prosecutor general is reorganising the special prosecutor's office], AKIpress, 3 July 2006, <http://kg.akipress.org/news/29515>.

<sup>47</sup> Crisis Group interview, prison administrator, Chüy province, October 2005.

Not only inmates have suffered. With the collapse of prison production following the break-up of the USSR, and with the state unwilling or unable to take up the slack, GUIN is in a grave financial crisis. In October 2005, Akylbek Ibrayev, then deputy chairperson, painted a stark picture:

In 2005 we received financing for 26.6 per cent of our needs. We got 25.5 per cent of what we needed for food, 4 per cent of what we needed for clothing and bedclothes for our inmates, 3.3 per cent of what we needed for equipment, 2 per cent of what we needed for security equipment, 6.8 per cent of what we needed for repair, and 39 per cent of what we needed to cover our electricity bills.<sup>48</sup>

In May 2006, GUIN chairperson Kulbay Cholushev said agency debts to the treasury were some 64 million soms (\$1.6 million), more than half for food.<sup>49</sup> He said the taxes levied against GUIN – some 10 million soms (\$250,000) a year – are based on the assumption the factories are still working. "The factories have been written off long ago", he says, "so why won't they write off the taxes as well?"<sup>50</sup>

The shortage of funds is perhaps most acutely felt when it comes to providing food for inmates. "I just came back from the juveniles' colony", a senior GUIN official said in 2006. "I don't feed my dogs the way they feed the inmates there".<sup>51</sup> There has been some progress: in 2002 GUIN spent only 6 to 7 soms (then around \$0.10) per inmate per day on food;<sup>52</sup> it now budgets 56 soms (\$1.40) per inmate per day. Still, there are grave concerns about whether the inmates actually receive the food they are entitled to. Kuvan Mamakeyev of the Special Prosecutor's Office says that in general, some 23 to 26 soms (\$0.56 to \$0.65) per inmate per day actually reaches the prisons.<sup>53</sup>

In many instances, prison administrators do their best with limited resources, striving to maintain a minimal standard of living. This includes making small repairs to living areas and sanitary facilities, maintaining small garden plots, and so on. Again, however, chronic shortages of funding and materials mean options are limited.

<sup>48</sup> Crisis Group interview, Akylbek Ibrayev, deputy chairperson of GUIN, Bishkek, 29 October 2005.

<sup>49</sup> Crisis Group interview, Kulbay Cholushev, chairperson of GUIN, Bishkek, 23 May 2006.

<sup>50</sup> Ibid.

<sup>51</sup> Crisis Group interview, Bishkek, 14 July 2006.

<sup>52</sup> Crisis Group interview, Bishkek, November 2005.

<sup>53</sup> Crisis Group interview, Kuvan Mamakeyev, deputy special prosecutor, Bishkek, 26 July 2006.

## 2. Infrastructure and equipment

Ibrayev painted a grim picture in October 2005:

The prison buildings were mostly built 30 to 60 years ago – there is certainly not a single building which has been built in the last fifteen years. We don't have a single ambulance, and our fire engines date from Soviet times. We don't even have buckets or washbasins. The state has just forgotten us. We don't have anything at all, just inmates with tuberculosis.<sup>54</sup>

"We have one telephone in our prison", a prison administrator said, "and six walkie-talkies. It's very hard to get an outside line, so we generally use our own mobile phones. We don't get any reimbursement, even for working calls, just our regular salaries. We also get our petrol ourselves – and with our own money".<sup>55</sup>

Cholushev said his agency has received around 450,000 soms (\$11,250) for repairs in 2006, "not enough to cover anything". Yet even this was taken by the courts to cover part of GUIN's debts.<sup>56</sup> Most inmates are housed in crumbling, dilapidated buildings, and prison yards are often overgrown with weeds.

Adding to GUIN's woes is chronic overcrowding, which puts an even greater strain on finances and infrastructure. The growth in the prison population in recent years has been explosive. GUIN is now responsible for nearly 16,000 inmates, compared to 9,000 in 1998.<sup>57</sup> Human rights activists attribute this to the toughening of the penal code. Prisons built to hold 100 are forced to accommodate ten or fifteen times that number. The MoJ admits that GUIN is incapable of maintaining more than 5,000 to 6,000 inmates.<sup>58</sup>

## 3. Personnel

GUIN's staff is some 2,500 people, a fraction of what authorities say they need.<sup>59</sup> The chronic shortage of personnel makes administrators unwilling to fire even workers guilty of abuse. "If we fire a prison administrator",

said the then chairperson, Kapar Mukeyev, in late 2005, "we have to wrack our brains – who should we put in his place?"<sup>60</sup> "I don't have half of the staff I need to run my prison", a prison administrator said. "There's no special training – people come to us from the civilian sector, and we hire them on the spot".<sup>61</sup> An MIA official who worked in GUIN during Soviet times spoke of the differences:

It's a very specific job, but we don't have the base to prepare specialists for it now. I myself went through training in Barnaul and Kazan' [in Russia], where they had institutes especially for training GUIN employees. We even took exams on prison jargon! Now we've begun accepting untrained people from the civilian sector, and these people can be more easily manipulated by the inmates.<sup>62</sup>

Some prospective employees are trained at the MIA's five-year academy, where Faculty "3" is devoted to preparing specialists in prison administration. It is the only specialised institute for penal system employees but it has fallen on hard times; like GUIN, it suffers from chronic money shortages – the MoJ pays for nothing except cadet uniforms. The faculty's administrator says some 25 cadets enter each year, mostly from outlying regions and with relatively low entrance exam scores, but many transfer to more prestigious, better-funded faculties, such as "2", which trains criminologists and police investigators. Only twelve cadets graduated in the 2005-2006 academic year. Even those who do graduate do not always go on to work in GUIN. There have also been complaints that the MoJ has neglected the cadets, providing no teachers from its ranks, although recently Cholushev has raised morale by participating in cadet examinations and diploma defences.<sup>63</sup> GUIN established its own small professional training centre in 2003 with Soros Foundation support but the funding is due to expire at the end of 2006.

A major obstacle is the low prestige of GUIN work – and correspondingly low salaries, even by Kyrgyzstan's standards. In an effort to attract more employees, GUIN announced a 50 per cent pay rise in April 2006 but its employees are still among the most poorly paid in the security and law enforcement structures.<sup>64</sup> With GUIN's

<sup>54</sup> Crisis Group interview, Akylbek Ibrayev, deputy chairperson of GUIN, Bishkek, 29 October 2005.

<sup>55</sup> Crisis Group interview, 1 November 2005.

<sup>56</sup> Crisis Group interview, Kulbay Cholushev, chairperson of GUIN, Bishkek, 23 May 2006.

<sup>57</sup> Crisis Group interview, Almaty, 24 January 2006.

<sup>58</sup> Comments by Marat Jamankulov, Head of GUIN reform section, at round table on prison reform in Bishkek, 23 May 2006.

<sup>59</sup> "Natsional'naia programma reformirovaniia penitentsiarnoi sistemy Kyrgyzskoi Respubliki do 2010 goda 'Umut'" [The "Umut" strategy for the reform of the penitentiary system of the Kyrgyz Republic until 2010], Bishkek, 10 March 2006.

<sup>60</sup> Crisis Group interview, Kapar Mukeyev, then chairperson of GUIN, Bishkek, November 2005.

<sup>61</sup> Crisis Group interview, Chüy province, 1 November 2005.

<sup>62</sup> Crisis Group interview, MIA official, June 2006.

<sup>63</sup> Crisis Group interview, Sultan Bakasov, administrator of Faculty "3", academy of the Ministry of Internal Affairs, Bishkek, 19 July 2006.

<sup>64</sup> For comparison, as of 1 July 2006, a colonel in the SNB, national guard, Ministry of Defence or border guards is entitled to an annual salary of 119,240 soms (\$2,981), vacation pay, bonuses

transfer from the MIA to MoJ, employees lost access to specialised MIA medical and recreational facilities.<sup>65</sup>

Many GUIN employees work in a prison only because their home villages are near, and other opportunities are few and far between. During the October 2005 crisis, when the GUIN leadership demanded its employees return to work, many did, despite grave risks to their personal safety. "We have no choice", one said. "There's no work in our village, we all have families, and even if the pay is small, it's better than no work at all".<sup>66</sup>

Some senior officers come to the agency from other law enforcement structures, usually the MIA, some after having been fired, others simply seeking a "quiet place" to await retirement. On the plus side, many older officers underwent specialised training in Soviet institutions but there are drawbacks to this as well. Anara Abdugaparova, who heads the section monitoring the penal system for the human rights ombudsman's office, said:

Older officers don't want to hear about prisoners' rights. They don't want to change their old Soviet views, that the guards can use physical force whenever they want, and that the prisoners shouldn't know about their rights. But things are changing now: first of all, most prison officials can't use force any more – it's too dangerous for them. And the prisoners are beginning to learn about their rights.<sup>67</sup>

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and other benefits; an official of corresponding rank in the prosecutor's office or Ministry of Finance receives 109,200 or 103,500 soms (\$2,730 or \$2,588), respectively; a colonel in the MoJ, customs service, or tax inspectorate receives 92,100 soms (\$2,302); a colonel in GUIN 84,802 soms (\$2,120); and a police colonel 77,352 soms (\$1,934). Junior officers in GUIN receive 42,508 (\$1,063), slightly more than those of corresponding rank in the police (41,358 soms/\$1,034), finance ministry (39,240/\$981), customs (36,840 soms/\$921), and the MoJ or tax inspectorate (36,700 soms/\$918), but much less than counterparts in the SNB, national guard, Ministry of Defence and border guards, who receive 59,901 soms (\$1,498). Whether those in law enforcement or security services receive all the benefits to which they are entitled is another question.

<sup>65</sup> Security services in much of the former Soviet Union have their own such facilities; loss of access has been a side effect of transfers of jurisdiction over GUIN throughout the former USSR. Recently, a rundown "settlement colony" on the shores of Lake Issyk-Köl – the country's main tourist destination – has been allocated to GUIN as a rest home, with one or two rooms set aside for use by each prison's staff. Prison staff must, however, renovate the building at their own expense and on their own time. Crisis Group interview, Temir Mamatov, administrator of Colony "19", Jangyjy, 26 July 2006.

<sup>66</sup> Crisis Group interview, employee of Colony "1", October 2005.

<sup>67</sup> Crisis Group interview, Anara Abdugaparova, Human Rights Ombudsmen's Office, Bishkek, 17 November 2005.

Larisa Berdnikova, head of GUIN's training centre, points out the demoralising effect GUIN's problems have even on young, motivated employees: "Our new employees are great – they're open to everything. But their enthusiasm dies out after half a year of work. 'Why should we try to change something that obviously nobody else intends to do anything about', they ask me".<sup>68</sup>

There is also a chronic shortage of more specialised staff. Cholushev says there are only sixteen psychologists for the entire prison population.<sup>69</sup> Medical staff in general are in short supply; GUIN's medical section has been trying to attract young specialists but the abysmal living and working conditions – combined with potentially serious security risks – make the prospect unappealing.<sup>70</sup> The sole juvenile colony has only five teachers for nine slots.<sup>71</sup>

In short, GUIN employees, often left to fend for themselves in a potentially dangerous environment, occupy one of the lowest "castes" of Kyrgyzstan's security and law-enforcement structures. It is not surprising that the balance of power in many prisons has shifted to criminal groups. The fact that GUIN employees participated in the October 2005 Bishkek demonstrations testifies to the alienation and neglect many feel. Raising their living standards, qualifications and safety can only have positive results, for both the staff and those under its care.

#### 4. Security

The shortage of qualified staff, equipment, and money, the increasing power of the *obshchak* and the general disarray in government and law-enforcement structures mean that any prison unrest could have profound implications for national security. The events of October 2005 showed this plainly. As noted above, Batukayev apparently had no difficulty maintaining regular contact with his lieutenants in other prisons. According to the charges filed against him, he had also stockpiled a considerable arsenal in Colony "31".<sup>72</sup> Nor is there any

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<sup>68</sup> Crisis Group interview, Larisa Berdnikova, Bishkek, July 2006.

<sup>69</sup> Crisis Group interview, Kulbay Cholushev, chairperson of GUIN, Bishkek, 23 May 2006.

<sup>70</sup> Crisis Group interview, Bishkek, November 2005. A small group of young specialists from the 2005 graduating class was recruited to work in prisons but apparently scattered after the October events. Crisis Group interview, Bishkek, November 2005.

<sup>71</sup> Crisis Group interview, Colony "14", Chüy province, 24 May 2006.

<sup>72</sup> Official reports list the contents of Batukayev's arsenal as follows: six pistols (including an 1895 vintage revolver), two Kalashnikov assault rifles, a sawn-off carbine, two hunting rifles, over a dozen homemade firearms, some with improvised silencers, four grenades, and several hundred rounds of

guarantee suppression of the uprisings in November 2005 solved the problem; on the contrary, GUIN's Jamankulov said in May 2006 the prisons are "a time bomb...God forbid there should be any [more] massive unrest".<sup>73</sup>

GUIN also is short of non-lethal weaponry. By way of example, the administrator of Bishkek's SIZO "1" says he has ten pairs of handcuffs for a prison population of 1,800, no tear gas and one truncheon.<sup>74</sup> The administrator of Colony "19" says his staff has two pairs of handcuffs for 380 inmates and no truncheons or tear gas.<sup>75</sup> This poses grave risks for the safety of both prison staff and inmates.<sup>76</sup> There are few options other than resorting to lethal force to handle unrest.

Prison administrators often fear for their own safety, as the mass exodus of employees from the prisons in October 2005 showed. A sense of having been abandoned by the state and left to handle their own security as best they can has made some deeply sceptical about the utility of "humanising" the criminal code. For some, the crisis of October 2005 showed the need for a different approach; one prison official suggested:

If this were the USSR, they would have crushed the rebels with tanks. The reaction would have been immediate. They should have done what [Uzbek President Islam] Karimov did, and sent in troops right away and shot everyone in the prison. Yes, people would have died – so what? At least it would have been easier to keep order.<sup>77</sup>

Such comments do not reflect the thinking at higher levels of GUIN, where there is general recognition that

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ammunition of various calibres. Vadim Nochevkin, "Banditizm s vedoma administratsii" [Banditry with the administration's knowledge], *Delo* N° 10 April 2006.

<sup>73</sup> Presentation by Marat Jamankulov at round table on penal reform, Bishkek, 23 May 2006.

<sup>74</sup> Crisis Group interview, Asylbek Kydyshev, director of SIZO "1", Bishkek, 24 July 2006.

<sup>75</sup> Crisis Group interview, Temir Mamadov, administrator of Colony "19", Jangyjy, 26 July 2006.

<sup>76</sup> Violence by inmates against officials is rare but does occur, particularly on death row in Bishkek's SIZO "1". "Sometimes when you go there to interview someone", a police investigator said, "the detainees will start yelling from cell to cell, 'A "red" is coming! A "red" is coming!' And then they'll start throwing things at you through the observation slots in their cells, sometimes even razor blades". Crisis Group interview, Bishkek, 24 July 2006.

<sup>77</sup> Crisis Group interview, Chüy province, October 2005. The reference to Karimov alludes to the suppression of an armed uprising in Andijon in May 2005, when security forces used indiscriminate force, killing hundreds – by some accounts, thousands – of unarmed civilians. See Crisis Group Briefing, *The Andijon Uprising*, op. cit.

force alone will not solve the security problem. Still, many officials share the growing frustration. "Aziz Batukayev guarantees our security now", a prison official said at the height of the October 2005 crisis. "If he doesn't take advantage of this situation and let the prisoners out, then things will be alright – we ourselves can't do anything".<sup>78</sup>

The "settlement colonies" are also a concern. In theory, they are an important intermediary stage between imprisonment and release and could potentially be "half-way houses" to help former convicts reintegrate into society. However, many are in a desperate state, and control over them seems all but non-existent. In early 2006, only half of the some 4,000 official residents could be accounted for.<sup>79</sup> Human Rights Ombudsman Bakir-uulu described the situation in some of the colonies his office visited:

We visited the settlement colony in Maymak, in Talas province. There the residents were complaining that they were being sold as slaves to local farmers, that they were being beaten, and that 60 out of 100 of them had run away. The head of the colony promised to change things, and now at least they're not being beaten and are being fed. We also visited the colony in Talas, where we found one Russian and one Lithuanian – the other 129 had all run away.<sup>80</sup>

Much of the rationale for "settlement colonies" was to allow convicts to rehabilitate themselves through work (the colonies are often close to a factory or collective farm). Transfer to one was often a reward for good behaviour. Now, however, transfer can be bought, and the almost total lack of control makes it equivalent to early release.

Kamchybek Kölbayev is a case in point. Allegedly a former member turned rival of Ryspek Akmatbayev's criminal group, he (like Akmatbayev, a native of Isykköl province) was arrested after an attempt on Akmatbayev's life in 2000; he was also suspected in the 1999 murder of three ethnic Chechens in Chüy province. Though the charges were not proven, Kölbayev was sentenced to 25 years for "banditry." He began serving his time in 2002 in Colony "8" near the Chüy province town of Petrovka, reportedly becoming its *polozhenets*. Over the next years, through amnesties and appeals, his sentence was reduced, and in February 2006, he was transferred to spend the remainder of his sentence in Settlement Colony "48", near Bishkek. He promptly disappeared; the Special Prosecutor's Office ordered GUIN to find him and is investigating the

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<sup>78</sup> Crisis Group interview, official of Colony "31", Chüy province, October 2005.

<sup>79</sup> Crisis Group interview, January 2006.

<sup>80</sup> Crisis Group interview, Tursunbay Bakir-uulu, human rights ombudsman, Bishkek, 23 March 2006.

transfer and the many amnesties.<sup>81</sup> There has been speculation the transfer was engineered to put pressure on Ryspek Akmatbayev; though this is impossible to prove, it would be consistent with the current practice of using criminals as proxies to settle political or economic disputes. Kölbayev has since been “crowned” as a *vor v zakone* in Moscow, apparently with Batukayev’s blessing.<sup>82</sup>

## 5. Corruption

In Akayev’s time, little was said publicly about corruption in GUIN; the closed prison system – in the tradition of Soviet times – was all but inaccessible, even to state monitoring bodies. Only recently has the Special Prosecutor’s Office – a branch of the Prosecutor General’s Office responsible for monitoring GUIN<sup>83</sup> – revealed the extent of corruption at senior levels.

We uncovered the theft of 21 million soms (\$525,000), opened eighteen criminal cases and brought 47 GUIN employees to accountability. For years, the Prosecutor General’s office had been hiding this, and they stopped criminal proceedings against 24 prison administrators who had stolen 246,000 soms (\$6,150) worth of food. When we started looking into this, they all ganged up on us – our office had eleven inspections from different organs in the course of two years!<sup>84</sup>

High-level corruption is said to have been particularly severe under Vladimir Nosov, who headed GUIN during the Akayev years.<sup>85</sup> Nosov is alleged to have conspired with local businesses – including those with rumoured ties to the Akayev family – to purchase food, shoes, and clothing for GUIN at inflated prices, resulting in losses to the state of some 7.5 million soms (\$187,500); facing corruption charges, he left Kyrgyzstan shortly after Akayev’s ouster<sup>86</sup> and now resides in Russia. He has

apparently acquired Russian citizenship, so he cannot be extradited – in fact, he is said to have briefly been in charge of the Moscow branch of the FSIN, the Russian equivalent of GUIN.<sup>87</sup> “The MoJ knew about Nosov’s embezzling”, said a representative of the Special Prosecutor’s Office who spent over a year investigating corruption in GUIN. “But they did nothing to stop it. Finally [acting] Prosecutor General [Azimbek] Beknazarov<sup>88</sup> ordered his arrest, but the MoJ let him go on vacation, and he disappeared”.<sup>89</sup>

Nosov’s successor, Ikmatulla Polotov, was killed during the October 2005 crisis. His successor, Kapar Mukeyev, was outspoken about corruption in GUIN and the MoJ, alleging that prison administrators were in effect buying their positions.<sup>90</sup> He was fired soon after making these statements, after having been on the job for just over three months, and was charged with financial violations in the purchase of barbed wire.<sup>91</sup>

GUIN’s current chairperson, Kulbay Cholushev, has insisted that corruption has been limited to the leadership, where opportunities for large illicit earnings are greater. “98 per cent of GUIN employees are poor, honest people who live with their families in one-room apartments”, he said.<sup>92</sup> In fact, however, the impoverishment of most GUIN’s employees may be contributing to widespread low-level corruption within the agency. Indeed, many who earn the equivalent of \$20 or less per month spoke openly about this. One insisted:

It’s not corruption. It’s providing services for inmates. For example, when they ask us to go to the kiosk outside the prison gate and buy cigarettes for them, we take a bit for ourselves. We charge 20 soms (\$0.50) for a visit with relatives, and

<sup>81</sup> Vadim Nochevkin, “Iz zony vyshel Kamchibek, sidevshii za pokushenie na Ryspeka” [Kamchybek, in prison for an attempt on Ryspek, has left ‘the zone’], *Delo N*, 29 March 2006.

<sup>82</sup> Crisis Group interview, senior law enforcement official, Bishkek, July 2006.

<sup>83</sup> The Special Prosecutor’s Office was established in 2002, when the transport, penal, and ecological inspectorates of the Prosecutor General’s Office were united. In July 2006, however, Prosecutor General Kongantiyev, citing inefficiency, said penal and transport matters would again be dealt with by separate bodies. “Genprokuratura reorganizuet spetsprokuraturu,” op. cit.

<sup>84</sup> Crisis Group interview, Galina Pugacheva, special prosecutor, Bishkek, November 2005.

<sup>85</sup> Whatever his shortcomings may have been, a number of prison reform activists have praised Nosov’s commitment to improving conditions in the prisons.

<sup>86</sup> Vitalii Pozharskii, “Eks-nachal’nik GUIN nagrel ruki na telogreikakh”, *Delo N*°, 21 September 2005.

<sup>87</sup> Vitalii Pozharskii, “Kto ishchet, tot nakhodit” [He who seeks shall find], *Delo N*°, 11 January 2006.

<sup>88</sup> Beknazarov, a long-time opposition activist during the Akayev years, was a main figure in Akayev’s ouster, after which he became acting prosecutor general. Always controversial, he was fired in September 2005 for allegedly failing to contain the violence in a dispute over ownership of a lucrative market in the south. He is a member of parliament. See Crisis Group Report, *A Faltering State*, op. cit.

<sup>89</sup> Crisis Group interview, Abdilla Sydykov, deputy special prosecutor, 9 November 2005.

<sup>90</sup> Interview with Kapar Mukeyev, *Delo N*°, 11 January 2006.

<sup>91</sup> Amanbek Japarov, “Kapar Mukeyev: ‘Men ech kimgе keregi jok bolup kaldym’” [Kapar Mukeyev: “Suddenly nobody needs me”], *Azattyk*, 2 February 2006, <http://www.2azattyk.org/rubrics/politics/ky/>.

<sup>92</sup> Crisis Group interview, Kulbay Cholushev, chairperson of GUIN, Bishkek, 23 May 2006.

another 20 soms to deliver packages to the inmates. Can you even call this money?<sup>93</sup>

Practically everyone working in prisons can take part in this kind of “business,” as Deputy Special Prosecutor Kuvan Mamakeyev pointed out in November 2005: “The inmates call the watchtowers where the armed guards sit ‘stalls’ – they can buy cigarettes or groceries from the guards, who lower the goods down on ropes.”<sup>94</sup>

Bribes to prison administrators or GUIN officials make it much more likely that one’s name will be included on a list of those to be amnestied. Transfer from one correctional facility to another, carried out by officials from the central GUIN administration, is also a convenient avenue for corruption:

Particularly dangerous criminals try to get into these prisons [for TB patients], because the security regime is laxer, the food and medicines are better, and they have more opportunities to meet with their relatives. In all the prisons with hospitals are people who don’t belong there. They violate the regime and impose their own order.<sup>95</sup>

Aziz Batukyaev, for instance, did not have TB, yet was in a prison for patients. As a result of one such transfer – allegedly accompanied by a bribe to the GUIN leadership<sup>96</sup> – the leader of the uprising in Colony “3”, Qahramon Matyaqubov, was able to establish control of the prison.

## 6. The *obshchak*

As noted, the *obshchak* system has long maintained a rough order inside prisons, often in informal cooperation with administrators. In the wake of the Soviet collapse, GUIN’s financial crisis and the power vacuum since Akayev’s ouster, the *obshchak* has entered new territory. If before GUIN officials were its de facto partners, now they are often its subordinates. With GUIN increasingly unable to hold up its share of the bargain – maintaining basic living conditions for prisoners – *obshchak* influence has grown dangerously. Human Rights Ombudsman Bakir-uulu put it bluntly: “The inmates will never recognise [the authority of] GUIN if it can’t even provide them with seventeen soms worth (\$0.43) of food. The

administration of GUIN has passed into the hands of the criminals”<sup>97</sup>.

Prior to the October 2005 crisis, Aziz Batukayev in effect ran the prisons. For years, his reign – maintained by a network of *polozhentsy* throughout the colonies – was unchallenged; in “strict regime” prisons administrators rarely, if ever, ventured outside their offices. Batukayev appears to have been in regular contact with lieutenants in other prisons through written communications – “*maliavy*” – and by cell phone, and was apparently able to have underlings brought to him for personal “audiences” and to move them between prisons at will.<sup>98</sup> He reportedly turned barrack no. 5 in Colony “31” into a crude “residence”, bred dogs and horses and kept a small marijuana plantation. No one could enter “31” without his leave,<sup>99</sup> and he often received visitors, including his unofficial wife, Evgeniia Tarasova, who stayed with him for days at a time.<sup>100</sup>

As the state failed to meet basic inmate needs, *obshchak* power grew. An inmate, released in 2002, recalls:

In the prison where I was, there was a total famine. We only got watery soup and 200 grams of bread each per day. I saw other inmates eating rats. Someone died almost every day. When a criminal authority comes into such a hungry prison, of course, life gets better right away. He goes to the *blatnye* and the head of the *obshchak* and says, “Why is everyone so hungry here? How much money is in the civilians’ and in the thieves’ pots?” A week before I was released, Rustam Abdulin – they say he killed that parliamentarian now – came into our prison, and life got more or less back to normal.<sup>101</sup>

Increasingly, inmates have come to depend on the *obshchak* not just for the occasional extra “share”, but for survival. Nor are they the only ones who are dependent; a prison doctor said: “We have no ambulances of our

<sup>93</sup> Crisis Group interview, Bishkek, November 2005.

<sup>94</sup> Crisis Group interview, Kuvan Mamakeyev, deputy special prosecutor, Bishkek, November 2005.

<sup>95</sup> Crisis Group interview, official of Colony “31”, November 2005.

<sup>96</sup> A bribe of \$10,000 is said to have been paid to transfer Matyaqubov to Colony “3”. Crisis Group interview, November 2005.

<sup>97</sup> Press conference by Tursunbay Bakir-uulu, human rights ombudsman, Bishkek, 2 November 2005.

<sup>98</sup> Matyaqubov is a case in point; Batukayev also apparently had Tynychbek Akmatbayev’s alleged killer, Rustam Abdulin, brought to him from Colony “16” for a “serious discussion” with regard to shortcomings in his execution of duties as *polozhenets*. Vadim Nochevkin and Irina Dudka, “Bitva za Batukaeva” [The battle for Batukayev], *Delo* N° 22 March 2006.

<sup>99</sup> A recent newspaper article alleges that “employees of GUIN and the MoJ – all the way up to the deputy minister – asked Batukayev’s permission by telephone to enter [the colony]”. Dar’ia Malevanaia, “Klubok Batukaeva” [Batukayev’s club], *MSN* 14 April 2006, <http://www.msn.kg>.

<sup>100</sup> Crisis Group interviews, Bishkek, November 2005.

<sup>101</sup> Crisis Group interview, Bishkek, December 2005.



own, and no money to pay for our patients to be driven to hospital. So we go to the *obshchak* and ask them for money. We have to bring them receipts, and they complain about how much we spend on petrol".<sup>102</sup>

For all its services, the *obshchak* ultimately benefits powerful criminal authorities, and weaker inmates suffer. Whatever income an inmate earns or goods his relatives bring are often confiscated for the *obshchak*. Criminal elites, following Batukyaev's example, appropriate living areas, leaving weaker inmates to fend for themselves. In Colony "8", for example – built for 100 but now housing some 1,500 – powerful inmates took several rooms – sometimes whole dormitories – for themselves, while other inmates were forced to live in trees or hastily constructed lean-tos; the prison administration was apparently unable – or unwilling – to intervene.<sup>103</sup>

After Batukayev's arrest, some officials expressed confidence the prison threat had been removed. "We don't see prisons as a potential source of instability".<sup>104</sup> Yet others, not least among them Cholushev, are more sceptical. "Batukayev still has influence in the prisons", he said. "And even if he's convicted, where will he go? Right back into prison".<sup>105</sup> "Just removing Batukayev won't solve the problem," a prison reform activist said. "Unless you solve the problem at its source, there will be a second Batukayev tomorrow, and a third one the day after that".<sup>106</sup>

## 7. Women's and children's prisons

The conditions in the women's prison, in Stepnoe, Chüy province, are notably better than in most others. There are separate facilities for inmates' children, vegetable plots and some livestock to supplement the meagre state's provisions, and a small sewing factory. Medical facilities are available, if somewhat primitive, with donated equipment. Underage inmates were once a potential

concern – there are no separate prison facilities for girls – but prison authorities say the dozen or so once housed there have been released. Visited in May 2006 by a delegation of journalists, government officials, and international organisations, chaired by then acting Deputy Prime Minister Ishengül Boljurova,<sup>107</sup> most inmates complained not about conditions but about the recent failure of parliament to pass a new amnesty law. Possession of small amounts of narcotics and failure to pay debts are among the most common offences, and many also complained of harsh sentences.<sup>108</sup>

Conditions in the juvenile prison, Colony "14" in Voznesenovka, were considerably worse and tensions somewhat higher. The school's staff shortage has been mentioned above. While it has a few working computers, there are almost no pens, pencils or textbooks. The school director said the students, many of whom are illiterate, struggle to master the most basic subjects. Most inmates do not even try. In the first two quarters of the academic year 2005-2006 only fifteen and nine pupils respectively were enrolled.

The Boljurova delegation was escorted by special forces, and the 75 inmates were often reluctant to speak openly about conditions. Evidence of the recent unrest was still visible, including burnt-out rooms in the cafeteria. The library's shelves groan under the weight of dusty tomes of Soviet-era literature, including anthologies of the works of Marx and Lenin. Women from the adjacent SIZO work in the prison cafeteria. The inmates were dressed in tattered black uniforms and shower clogs. As the delegation was preparing to leave, one prisoner did complain about the poor quality of clothing, the shortage of school supplies and athletic equipment ("At least give us a football!"), and the lack of interesting reading material in the library.<sup>109</sup>

## B. HUMAN RIGHTS

### 1. Violence and abuse

Prison officials insist they do not physically abuse their wards – for fear of the consequences if not necessarily out of respect for human rights. "They beat us, not the other way around", one said. "God forbid we should lay a finger on them – it's more dangerous for us than anybody

<sup>102</sup> Crisis Group interview, October 2005.

<sup>103</sup> Crisis Group interview, Almaty, 24 January 2006.

<sup>104</sup> Crisis Group interview, Bishkek, January 2006.

<sup>105</sup> Crisis Group interview, Kulbay Cholushev, chairperson of GUIN, Bishkek, 23 May 2006.

<sup>106</sup> Crisis Group interview, Almaty, 24 January 2006. Kapar Mukeyev, ex-head of GUIN, was similarly realistic. "We must say openly: *obshchaks* in 'the zones' have [always] been [there], are [now], and will [always] be", he told a newspaper in January 2006. "Aziz [Batukayev] isn't in Colony "31" anymore, [but] now there's a new *obshchak* there. We transported 25 negatively-inclined convicts along with their leader, Qahramon Matyaqubov, from "3", and a new [leader] has appeared. The same [is true] in "16" and "47". We can't uproot this entirely. But they should at least act within the bounds of what is reasonable and permissible". Interview with Kapar Mukeyev, *Delo N°*, 11 January 2006.

<sup>107</sup> Boljurova was nominated twice. Each time – in November 2005, and again in June 2006 – parliament refused to confirm her.

<sup>108</sup> Crisis Group interviews, inmates, Colony "2", Stepnoe, 24 May 2006.

<sup>109</sup> Crisis Group observations during visit to women's and juvenile's colonies, 24 May 2006.

else”.<sup>110</sup> On the other hand, physical abuse against detainees is a regular feature of Kyrgyzstan's pre-trial detention system.

Violence between prisoners is a major concern. Kyrgyz law recognises four categories of colonies: “general”, “heightened”, “strict” and “special” regimes. In practice, however, only “heightened” and “strict-regime” colonies exist; consequently, prisoners are often put under harsher conditions than their sentences would warrant. That they are housed in dormitories or barracks, not individual cells, means it is virtually impossible to isolate the more dangerous criminals. “We are violating the codex on criminal procedures by putting those who should be under strict conditions and those who should be under more relaxed conditions in one prison”, a former deputy head of GUIN, Batyrbek Saparbayev, said. “We can't guarantee the latter's safety”.<sup>111</sup>

Of particular concern are the rights of the lowest category of prisoners, the “*petukhi*”. As noted, they are usually forced to live apart, perform the most menial tasks and provide sexual favours. Contact with them is shunned by administrators and inmates, and they are often left to construct crude huts for themselves in the ruins of prison factories. They are not allowed to prepare food or even eat with other inmates; food is brought to them separately, and they must eat from a single common bowl. Nor are they allowed to use the general sanitation facilities. They are sometimes hired by other inmates for construction work and paid in food, narcotics or cash. They live under constant threat of rape and violence from fellow inmates, and the stigma attached to their status means they often lose contact with friends and relatives. There are also health implications; because of caste segregation, they cannot be transported to hospital with regular inmates, and there is no money for separate transportation. “Therefore”, Vladimir Tiupin of the youth NGO “Oasis” said, “people of this category do not receive necessary medical care for several months on end, including in cases of the most serious illnesses, such as TB”.<sup>112</sup>

<sup>110</sup> Crisis Group interview, Chüy province, 1 November 2005.

<sup>111</sup> Crisis Group interview, Bishkek, 29 October 2006.

<sup>112</sup> Vladimir Tiupin, “Sotrudnichestvo s gosudarstvennymi organami s tsel'iu sotsial'noi podderzhki uязvimykh grupp” [Cooperation with state organs for the social support of vulnerable groups], *Materialy mezhdunarodnoi konferentsii: “Razvitiye penitentsiarnoi sistemy v Kyrgyzskoi Respublike: rezul'taty, problemy, i perspektivy”* [Materials of the international conference: The development of the penitentiary system in the Kyrgyz Republic: Results, problems, and perspectives], Bishkek, 2003. The situation has changed little. For example, Colony “19” in Jangyjler is home to a dozen or so “*opushchenny*”, housed separately from the general population. “I have no choice in this”, the administrator said. “It's for their own protection”. Crisis

Inmates and human rights activists are all but unanimous that the worst human rights abuses from law-enforcement officials take place not in prisons or SIZOs but in temporary detention facilities (IVS), which are still under MIA jurisdiction. Allegations of police beatings there and unlawful detention are common.<sup>113</sup> “People are sometimes held there for three weeks and then are told what they ‘did’”, a human rights activist said. Police investigators, themselves under pressure to increase the percentage of closed cases, sometimes charge detainees with a host of unsolved crimes and reportedly use beatings – or the threat of beatings – to extract confessions.<sup>114</sup> “Somebody who'se there for stealing a chicken, for example, suddenly finds out that he's become a major criminal overnight, with a long list of crimes”, another human rights activist said.<sup>115</sup> A former detainee confirmed this, saying:

The police take advantage of the fact that all the power is in their hands. They drag you out of the cell, supposedly for interrogation, and then begin blackmailing you, saying that you should “admit” to five or six other crimes you didn't commit. If you refuse, then they start to beat you and threaten you: “If you don't agree, we'll put you in a maximum-security cell”. Then you have to agree, and suddenly they change their relationship to you – you can ask them for favours, to go buy you some bread or sugar, for example. Well, sure, they're happy to spend 200 soms (\$5) on you – they don't care, as long as their cases are closed.<sup>116</sup>

When there is no local SIZO, suspects are often kept in the IVS for extended periods; although the law stipulates

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Group interview, Temir Mamatov, administrator of Colony “19”, Jangyjler, 26 July 2006. The pariah status of this caste seems to stem from a number of factors; in some cases, it may be due to the nature of their crimes (violent or sexual crimes against children are considered particularly repugnant). More generally, it seems to derive from the taboos associated with (passive, at any rate) homosexual activity.

<sup>113</sup> A recent survey by a human rights organisation in Kyzylkyya (Batken province) found that 66 per cent of IVS detainees complained of beatings or torture. Crisis Group interview, Kyzylkyya, 23 November 2005.

<sup>114</sup> Recently, the MIA leadership pledged to end the “percentomania” left over from Soviet times. Crisis Group interview, Ömürbek Subanaliev, deputy minister of internal affairs, Bishkek, 25 April 2006. But old habits die hard, and the pressure to maintain a high level of case closings is still strong, particularly at local levels, and investigations often rely more on confessions than evidence. See Crisis Group Asia Report N°42, *Central Asia: The Politics of Police Reform*, 10 December 2002.

<sup>115</sup> Crisis Group interview, Jalalabat, 15 November 2005.

<sup>116</sup> Crisis Group interview, Bishkek, November 2005.

72 hours as the maximum, a representative of a human rights organisation in the southern city of Jalalabat said cases of inmates remaining for a year or longer are not uncommon.<sup>117</sup> Conditions in IVS facilities, which tend to be in the basement of police stations and not intended for prolonged detentions, are often extremely poor. Frequently food is only bread and tea, and sanitation facilities are usually unavailable.<sup>118</sup>

A former inmate from the southern town of Kyzylkyya in Batken province described his experiences in local IVSs:

In the old days, maybe you'd sit in the IVS for a month [while under investigation] before they took you to the Jalalabat prison. But now they only have one jeep to transport the prisoners in, and they only want to make one trip. So they wait until they have eight or ten prisoners, and then they take them all together. It usually takes six months to a year. If you want to go to the prison earlier, the police go to your parents and ask them for ten litres of petrol. Then they order an ordinary taxi to take you to Jalalabat. I sat in the IVS in Kyzylkyya for over a year. We got a bit of bread, and hot tea in the morning and evening. Our relatives could bring us some more stuff, but if you don't have police connections, nothing gets through; my mother couldn't get me anything for eight months.

In Kadamjay [Batken province] there were seven or eight of us crammed into a cell meant for four. In the Batken IVS, they feed you well enough – maybe because there's less crime there, I don't know. But they still beat you. They police beat you in any IVS – not everyone, they have their "favourites". And they do it every day – not during

the day, but in the evening or at night, when no one will notice.<sup>119</sup>

Many officials deny allegations of mistreatment of detainees<sup>120</sup> but readily acknowledge poor IVS conditions. "I wouldn't even want to put my enemy in the IVS here", a police chief in Naryn province said.<sup>121</sup> Some local officers try to make repairs, occasionally relying on the tradition of *ashar*; voluntary collective labour, yet these IVS also rarely meet basic needs; one built with *ashar* labour in Osh province completely lacks plumbing.<sup>122</sup>

Complicating the picture are the often-strained relations between prison officials and human rights activists, who tend to view one another with considerable distrust. "There were no uprisings before, because there was no ombudsmen and no human rights activists", a GUIN official said. "They need to understand our system. There are rules for prisoners, very strict rules. And now anybody can come in and teach the prisoners: 'You shouldn't submit, you have rights', and so on."<sup>123</sup> Tensions between GUIN and the ombudsmen's office made efforts to resolve the October 2005 crisis more difficult; Bakir-uulu claimed in November that his people had not been allowed into the colonies during the uprisings.<sup>124</sup> Closer cooperation and more mutual trust will be needed if conditions are to be improved.

## 2. The death penalty

In 1998, President Akayev imposed a death penalty moratorium.<sup>125</sup> It has been renewed each year, and on 30

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<sup>117</sup> Crisis Group interview, Jalalabat, 15 November 2005. This is also true in places where a SIZO is near; the town of Karasuu, for example, is only some twenty km from Osh, which has a SIZO, yet fuel shortages make police reluctant to use scarce resources for transporting suspects. Crisis Group interview, Osh, 24 November 2005. In February 2006, some detainees in the Osh SIZO said their stay in a local IVS had been increased by as long as six months simply due to a lack of transport. "They sent me to Osh only after the Kyzylkyya IVS staff could gather enough money themselves to pay for the transportation", a detainee said. Crisis Group interviews, Osh SIZO, 7 February 2006.

<sup>118</sup> A human rights activist in Kyzylkyya described conditions in the local IVS: "It's in the basement of an old department store. There are no windows – the only air comes from a 15 cm by 15 cm hole. There are twenty people in a cell meant for four or five. The toilet is outside, and the detainees sleep on the concrete floor. They get between six and nine soms (\$0.15 to \$0.23) per day for food – that's enough for bread, but that's it. Most of them have TB". Crisis Group interview, Kyzylkyya, 23 November 2005.

<sup>119</sup> Crisis Group interview, Kyzylkyya, 23 November 2005.

<sup>120</sup> "Nobody beats or tortures prisoners in the IVS", a prosecutor in southern Kyrgyzstan said. "Maybe the prisoners beat each other. Every week, town or district prosecutors check every IVS for such problems, and no cases of guards beating detainees are found" Crisis Group interview, 22 November 2005.

<sup>121</sup> Crisis Group interview, July 2005.

<sup>122</sup> Crisis Group interview, Bishkek, 3 June 2006.

<sup>123</sup> Crisis Group interview, Chüy province, October 2005.

<sup>124</sup> GUIN officials tell a different story. "When [Deputy Ombudsmen] Sadyk Sherniyaz and three of his colleagues came [to a rebellious colony], I explained the situation to them: in the morning, the inmates had broken down the inner gates and were throwing stones at the guard posts. The guards opened fire in defence and killed two inmates. And then [they] themselves decided not to go into the prison – no one forbade them". Crisis Group interview, prison administrator, Chüy province, November 2006.

<sup>125</sup> Kyrgyzstan was one of the first in Central Asia to do so; Tajikistan, where the lack of transparency around the penalty's application had come under increasing criticism from human rights organisations, imposed a moratorium in 2004 – preceded, some say, by hasty executions of an unknown number of death-row inmates. Crisis Group Asia Briefing N°33, *Tajikistan's Politics: Consolidation or Confrontation?*, 19 May 2004. President Karimov has said Uzbekistan will abolish capital

December 2005 President Bakiyev announced it would be extended until the death penalty was abolished. However, capital punishment remains on the books. Seventeen death sentences were handed down in 2005,<sup>126</sup> and in July 2006, two individuals were sentenced to death for the murder of parliamentarian Bayaman Erkinbayev.<sup>127</sup>

Death sentences can only be reexamined on the basis of new evidence; human rights activists say this is rare, as it requires the entire investigation to begin anew.<sup>128</sup> Cases can be appealed up to the Supreme Court, whose decision is final. Human rights activists have complained that its consideration of appeals is often perfunctory at best; in a recent case, the court devoted a mere 40 minutes to the hearing before rejecting the appeal.<sup>129</sup>

Most condemned prisoners are held in Bishkek's SIZO "1", where, a July 2006 visit showed, conditions are abominable. Built in 1984 to accommodate 1,392, it currently houses some 1,800, 136 of whom are on death-row (over 80 per cent of those on death row countrywide). These inhabit the lowest level of the SIZO, their cells lining a long, dank, windowless hallway. Each cramped cell, designed for two, houses three inmates; one must sleep on the floor. The only exercise allowed is an hour every other day in a small, open-roofed cell on the top floor. With the moratorium in effect, the inmates are in legal limbo and live in the SIZO for years.<sup>130</sup> Overcrowding is

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punishment in 2008; until then, it seems, sentences will be handed down and executions – usually in secret – carried out. See "Uzbekistan: Questions of life and death cannot wait until 2008. A briefing on the death penalty", Amnesty International, 1 September 2005, at <http://amnesty.org.ru/library/Index/Kazakhstan> imposed a moratorium on the death penalty in January 2004.

<sup>126</sup> Crisis Group interview, Tursunbay Bakir-uulu, human rights ombudsman, Bishkek, 23 March 2006.

<sup>127</sup> "Ubiitsy deputata Baiamana Erkinbaeva prigovoreny k smertnoi kazni" [The murderers of parliamentarian Bayaman Erkinbayev have received the death sentence], AKIpress 17 July 2006, <http://kg.akipress.org/news/29794>.

<sup>128</sup> Crisis Group interview, Dilorom Nizomova, head of NGO Centre for the Support of Legal Initiatives, Bishkek, 17 July 2006.

<sup>129</sup> Crisis Group interview, Tölöykan Ismailova, chairperson, NGO Citizens Against Corruption, Bishkek, 24 July 2006. The case in question is that of Otobek Ahadov, sentenced to death for the murder of ethnic Uyghur businessman Ni'mat Bayzaqov in 2002. Ahadov's conviction was based solely on his own testimony, which he says was given under torture. In an open letter to President Bakiyev, a copy of which is on file with Crisis Group, Ismailova states that the Supreme Court's failure to devote proper attention to the case – which has eleven volumes of evidence and testimony – is a violation of Ahadov's constitutional rights and seems to indicate the court had made its decision before the hearing.

<sup>130</sup> Crisis Group observations during visit to SIZO "1", Bishkek, 24 July 2006.

exacerbated by dozens of detainees who have been tried and sentenced for other crimes but wait months for the paperwork to be processed and the final site of detention decided.<sup>131</sup> It is hardly surprising that TB is widespread.

"This is in violation of all of our laws, and the conditions there are terrible", says GUIN head Cholushev. "We're supposedly doing them a favour by not executing them but in fact by keeping them in the SIZO, we're killing them slowly".<sup>132</sup> The former head, Mukeyev, said in January 2006 that 73 condemned inmates have died since the moratorium was imposed in 1998, mostly from TB, "detention conditions" and suicide.<sup>133</sup>

### C. JUSTICE

Some see the crux of the prison crisis in the corrupt, overly punitive nature of the criminal justice system. "If the judge gets a bribe, he'll decide in favour of the defendant", a human rights activist said. "If not, then it's off to prison".<sup>134</sup> A lawyer agrees: "No matter how well a defence lawyer prepares his case, no matter how much he tries to prove his client's innocence, the judge won't decide in your favour till he gets a bribe. So what do we lawyers do? We bring bribes to the judges. That's it".<sup>135</sup>

Corruption aside, there is no question the criminal justice system – police, Prosecutor General's Office, courts and prisons – has mostly retained the punitive character of the Soviet system. More than 70 per cent of crimes in the criminal code call for imprisonment. Alternative punishments are allowed but judges rarely use them. "We've had so many conferences on this topic", said Abdugaparova of the ombudsmen's office, "but the judges don't impose alternative sentences".<sup>136</sup> According to Marat Jamankulov, head of GUIN's reform department, 80 per cent of sentences involve imprisonment.<sup>137</sup> Sentences are stiff, even for first-time relatively minor theft and failure to repay debts.<sup>138</sup>

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<sup>131</sup> Human rights activists say that courts will often not issue such documents without a bribe; the lack of office equipment such as typewriters – let alone computers – with which to write the orders and paper on which to print them exacerbates the situation. Crisis Group interview, Bishkek, July 2006.

<sup>132</sup> Crisis Group interview, Bishkek, May 2006.

<sup>133</sup> Interview with Kapar Mukeyev, *Delo N°*, 11 January 2006.

<sup>134</sup> Crisis Group interview, Bishkek, October 2005.

<sup>135</sup> Crisis Group interview, Osh, February 2006.

<sup>136</sup> Crisis Group interview, Bishkek, 17 November 2005.

<sup>137</sup> Presentation by Marat Jamankulov at round table on penal reform, Bishkek, 23 May 2006.

<sup>138</sup> For example, a new arrival to Colony "19" said he had been arrested for stealing a cell phone; even though he returned the phone, and the victim did not press charges, he was sentenced to

Annual amnesties are usually offered for certain categories of criminals, either reducing their sentences or freeing them. This, too, has potential dangers. The new significance of amnesty post-Akayev became clear in May 2006, when, for the first time, a proposed amnesty failed in parliament. Intended to free 185 prisoners and reduce the sentences of a further 5,800 in honour of the anniversary of the 2005 “revolution”, it was voted down, 55-28.<sup>139</sup> An outspoken critic, Alisher Sobirov, an influential ethnic Uzbek parliamentarian from Osh, claimed its real purpose was to release a dangerous criminal, Aybek Mirsidiqov (“Black Aybek”). A well-known racketeer, he had been sentenced to eleven years for robbery, extortion, and escaping from a “settlement colony”, where he had been serving a four-year sentence for hooliganism. Apparently after the intervention of GUIN’s then leadership, he was relocated to the Osh SIZO, over the strenuous objections of the Special Prosecutor’s Office. In October 2005 he was transferred to a psychiatric hospital in Kyzyljar (Jalalabat province), then to a TB hospital in Jalalabat. There were persistent allegations, however, that he was already free and had resumed his criminal activities.<sup>140</sup>

Mirsidiqov, Sobirov said, was released for the express purpose of assassinating a parliamentarian. Though he declined to identify him, rumours soon circulated that the target was Qodirjon Botirov, a wealthy and influential ethnic Uzbek entrepreneur from Jalalabat. Botirov himself accused his political enemies of arranging Mirsidiqov’s release.<sup>141</sup> Jalalabat police insisted Mirsidiqov was in hospital.<sup>142</sup> The saga came to a bizarre conclusion in late June, when Interior Minister Murat Sutalinov personally brought “Black Aybek” from Jalalabat to Bishkek; at a

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five and a half years in prison. A second received a similar sentence for stealing a bicycle worth around 5,000 soms (\$125). A third, a twenty-year-old orphan from Kazakhstan, received two years for stealing 505 soms (\$12.63). “It will cost us more than the price of a cell phone each to keep these guys here”, a prison official grumbled. Crisis Group interviews, Colony “19”, Jangyjer, 26 July 2006.

<sup>139</sup> “Parlament otklonil zakonproekt ‘Ob amnistii’” [Parliament has rejected the draft law “On amnesty”], AKIpress, 16 May 2006, <http://kg.akipress.org/news/28237>. The main beneficiaries of the amnesty were to be minors, women over 55, men over 60, invalids, pregnant women and those convicted of petty larceny. “Zhogorku kenesh otklonil zakonproekt prezidenta ob amnistii” [The Jogorku Kengesh has rejected the president’s draft law on amnesty], NTS 16 May 2006, [http://www.nts.kg/main\\_news\\_page](http://www.nts.kg/main_news_page).

<sup>140</sup> “‘Chernyi Aibek,’ sorvavshii amnistiiu, ob’iavlen v rozysk” [“Black Aybek”, who scuttled the amnesty, is declared wanted], *Delo N°*, 31 May 2006.

<sup>141</sup> Crisis Group interview, Qodirjon Botirov, Jalalabat, 3 June 2006.

<sup>142</sup> Crisis Group interview, police official, Jalalabat, 3 June 2006.

hastily-improvised press conference in front of the parliament, a handcuffed Mirsidiqov insisted he suffered from mental illness and had never threatened Botirov – on the contrary, he said, Botirov was planning his murder.<sup>143</sup> Mirsidiqov was sent for evaluation to a psychiatric hospital in the Chüy province village of Chymkorgon.

The failure of the amnesty caused great disappointment in the women’s and juveniles’ colonies, where many had hoped for release and seemed convinced Sobirov’s statements about “Black Aybek” was responsible. “Why do 16,000 people have to suffer because one deputy is afraid of someone?”, a female inmate asked bitterly.<sup>144</sup> Acting Deputy Prime Minister Boljurova, visiting the colonies at the time, also put the blame on parliamentarians.

A member of parliament – a leading figure in the new political opposition – who voted against the amnesty denied that the “Black Aybek” affair had anything to do with the amnesty’s failure.

The amnesty law was formulated incorrectly. Amnesties should be given to people who have committed certain categories of crime. The version that Kayypov wrote was for women over a certain age. What, women over 50, for example, can’t commit serious crimes? We’ve given over a dozen amnesties in the last fifteen years – the criminals are always waiting for this – and then people complain about the rise in petty crime. The problems of overcrowding and underfinancing can’t be solved by giving more amnesties.<sup>145</sup>

Amnesties in today’s Kyrgyzstan – including, potentially, for quite dangerous criminals – can become sources for corruption, a means of putting pressure on opponents, and, with relations between President Bakiyev and the parliament at times combative, political footballs. A further concern is the practice of including TB as a basis for amnesty. A representative of the World Health

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<sup>143</sup> Sutalinov accused Botirov, Sobirov and a third parliamentarian, opposition activist Melis Eshimkanov, of deliberately spreading false rumours about “Black Aybek” to force him, Sutalinov, to resign in disgrace. “MVD pokazala obshchestvennosti ‘Chernogo Aibeka’” [The MIA has shown society “Black Aybek”], AKIpress 29 June 2006, <http://kg.akipress.org/news/29429>.

<sup>144</sup> Observation by Crisis Group during visit to Colony “2”, Stepnoe, 24 May 2006.

<sup>145</sup> Crisis Group interview, Kubatbek Baybolov, Bishkek, May 2006. Other parliamentarians apparently took issue with the fact that the amnesty was declared in honour of the anniversary of the March 2005 “revolution”, although the occasion – celebrated with fanfare by the Bakiyev administration – had not been recognised as an official holiday by parliament and was therefore inappropriate to be used as the basis for an amnesty.

Organisation (WHO) pointed out that “international experience has shown that where the laws contain an amnesty clause for TB patients, there is an incentive to get sick”.<sup>146</sup> Given the woeful state of health care in GUIN, opportunities to do exactly that abound.

## D. PUBLIC HEALTH

If the health care system generally has fallen on hard times since the Soviet Union's collapse, the situation in GUIN is near catastrophic. Disease – particularly TB – is rampant, sanitary conditions are extremely poor, there is a chronic shortage of medical professionals and medicines, and corruption means that even the meagre food and medicines meant for inmates often do not reach them. Human Rights Ombudsmen Bakir-uulu summed up:

Patients in prisons get a quarter of a tablet of painkiller, regardless of what their sickness is. In prison “3” we found TB medication which had expired in 1999. The inmates...are fed for 12 soms (\$0.30) [per day]. The prisons receive only rotten potatoes, although according to the tenders, they're buying the most expensive kind. Mattresses are used for twenty years, and there are no sheets at all.<sup>147</sup>

### 1. Tuberculosis

Tuberculosis has reached critical levels throughout Central Asia, with a significant increase in multi-drug resistant strains, as a result of health system failings and inadequate emphasis on follow-up treatment.<sup>148</sup> Since 1990, incidents have more than doubled in Kazakhstan and Kyrgyzstan, tripled in Uzbekistan and increased five-fold in Tajikistan. The picture is particularly grim in prisons throughout the former Soviet Union,<sup>149</sup> and in Kyrgyzstan's the rates of TB infection are said to be 40 times higher than in the general population and mortality rates some 60 times higher.<sup>150</sup> As of 1 January 2006,

according to GUIN's figures, 2,725 inmates suffered from various forms of TB.<sup>151</sup>

As noted above, three colonies, “3”, “27” and “31”, have TB hospitals; TB treatment centres are also in the women's and juveniles' colonies. Since conditions at TB prisons tend to be somewhat better and security somewhat laxer, healthy patients are willing to pay considerable sums for transfers there. This, however, raises the danger of healthy patients becoming infected, as little is done to isolate TB patients from the rest of the prison population. Proper food is a serious problem: with inadequate nourishment, TB medications can have serious side effects.

TB is a constant concern in Bishkek's SIZO “1”, where most death-row inmates are housed. “There would be no problem with TB in the SIZO if the law were being obeyed”, an aid worker said, “but because people sometimes spend years there, of course you have a problem”.<sup>152</sup> The SIZO now has an entire floor set aside for TB cases; cells for TB patients generally hold eight inmates each and are considerably more spacious than most other. Prison officials, with support from Médecins sans Frontières (MSF), have begun renovating the TB cells.<sup>153</sup>

The situation in SIZO “1” pales in comparison, however, with the problems of Colonies “27” and “3”, where multi-drug resistant TB (MDR TB) is rampant. “Sending someone to Colony “27” is like condemning them to death”, one international observer commented.<sup>154</sup>

A major concern is inmates leaving prison without having completed treatment. “TB patients who leave the prisons are lost”, an aid worker said. “If they don't come in for treatment themselves, there's just no way to find them”.<sup>155</sup> According to an international organisation's calculations, as few as 30 per cent of TB-infected releasees continue treatment.<sup>156</sup> “When inmates with TB leave the prison system, they leave MoJ jurisdiction and fall under the jurisdiction of the [health ministry]”, a Western donor agency representative said:

They're not registered anywhere, and sometimes even their own families and relatives reject them, so they effectively disappear. Who knows whom they're infecting? The [health ministry] understands this, but they don't want to share any of their own

<sup>146</sup> Crisis Group interview, Bishkek, November 2005.

<sup>147</sup> Press conference by Human Rights Ombudsmen Tursunbay Bakir-uulu, Bishkek, 2 November 2005.

<sup>148</sup> “Combating HIV/AIDS in Europe & Central Asia”, The World Bank, 2005.

<sup>149</sup> In Russia, for instance, the percentage of prisoners infected with TB doubled between the mid-1990s and 2003; experts estimate that every year 30,000 TB-infected inmates are released into the civilian population, one third of whom are believed to be infected with MDR TB. Paul Goble, “Eye on Eurasia: AIDS, TB erupt from Russian jails”, *The Washington Times*, 23 March 2005.

<sup>150</sup> Crisis Group interview, Bishkek, November 2005.

<sup>151</sup> “Natsional'naia programma”, op. cit.

<sup>152</sup> Crisis Group interview, Bishkek, November 2005.

<sup>153</sup> Crisis Group observations during visit to SIZO “1”, Bishkek, 24 July 2006.

<sup>154</sup> Crisis Group interview, Bishkek, August 2006.

<sup>155</sup> Crisis Group interview, Bishkek, November 2005.

<sup>156</sup> Crisis Group interview, Bishkek, 5 July 2006.

funds to deal with it – they're short enough of cash as it is.<sup>157</sup>

In fact, the ministry of health (MoH) receives fairly generous foreign support – including some €16 million from Germany, but none of this seems to find its way to the prison system; as part of the MoJ, GUIN is under a different budget.<sup>158</sup>

## 2. HIV/AIDS

One estimate puts those with HIV/AIDS in Central Asia at 90,000.<sup>159</sup> While official figures are much lower, officially-reported cases have nonetheless increased sixteen-fold from 2000 to 2004,<sup>160</sup> with Uzbekistan and Kazakhstan worst affected.<sup>161</sup> The World Bank warns of “an explosive HIV crisis unless concerted preventive efforts are undertaken now”.<sup>162</sup> The vast majority of reported cases involve intravenous drug users, a consequence of geography, since Central Asia is astride a main route for smuggling heroin from Afghanistan to Russia.<sup>163</sup>

The highest rate of HIV infection is in prisons. GUIN reported 131 cases as of 1 January 2006,<sup>164</sup> at the end of 2005 there were 807 officially-registered cases in all Kyrgyzstan.<sup>165</sup> As elsewhere in Central Asia, widespread use of injected drugs – usually involving needle-sharing – is a major factor. Drugs make their way into prison in various ways; small amounts may be tossed over the wall; at Colony “19”, horsemen sometimes use slingshots to launch small packages into the yard.<sup>166</sup> Aziz Batukayev

is thought to have played a major role in distributing drugs, including heroin, throughout the system; Colony “31” reportedly was the main point of entry for drugs, which were then delivered to other prisons.<sup>167</sup> According to one estimate, 70 per cent of prisoners are drug users, 80 per cent of these intravenously – 70 to 80 per cent of whom share needles and syringes.<sup>168</sup> Unprotected sex – especially between members of higher prison castes and *petukhi* – is common. HIV may also be transmitted through unsanitary methods of tattooing, a common practice in prisons.<sup>169</sup>

## 3. Mental health

Perhaps the most widely overlooked health problem, in both the prison and civilian sectors, is mental health. “In general, Kyrgyzstan’s health care reforms have been impressive”, an international observer said, “but not in the area of mental health”.<sup>170</sup> As noted above, GUIN has a severe shortage of mental health care professionals; unlike TB and HIV/AIDS, which have received great attention and considerable investment from the international community, mental health has been all but forgotten. GUIN’s sole facility, in Colony “3”, is unable to offer even the most basic care. The usual practice is for mentally ill inmates to be transferred to the MoH’s mental health facility in Chymkorgon, Chüy province. Similarly lacking is mental health care for GUIN employees, who often suffer enormous emotional stress in the course of their work.

## 4. Other health care concerns

GUIN’s health care problems go far beyond the three issues outlined above. Inmate access to more basic medical services is a further concern. “TB is a relatively ‘easy’ problem because it’s so specific – it’s a very limited problem in terms of resources and approaches”, an expert said, “and there’s a lot of money behind it. The problem is with the little things – diagnosis, routine medical treatment...”<sup>171</sup> Prison hospitals are often desperately short of basic supplies. Dental care is all but nonexistent – the usual procedure, inmates and prison

<sup>157</sup> Crisis Group interview, Bishkek, 16 December 2005.

<sup>158</sup> Crisis Group interview, Bishkek, December 2005.

<sup>159</sup> Centre for Disease Control and Prevention in Central Asia figures, cited in “Combating HIV/AIDS”, op. cit.

<sup>160</sup> From 500 to 8,000, *ibid*.

<sup>161</sup> “AIDS Epidemic Update: December 2005”, UNAIDS/WHO. See also <http://www.rferl.org/featuresarticle/2006/2/E78782D7-F6B9-4FDD-933B-505A84E0E13A.html>.

<sup>162</sup> “HIV/AIDS”, op. cit.

<sup>163</sup> See Crisis Group Asia Report N°25, *Central Asia: Drugs and Conflict*, 26 November 2001; Crisis Group Asia Report N°113, *Central Asia: What Role for the European Union?*, 10 April 2006. Crisis Group will revisit this issue in a subsequent report.

<sup>164</sup> “Natsional’naia programma”, op. cit.

<sup>165</sup> The incidence of HIV/AIDS infection in Kyrgyzstan as a whole is 13.5 per 100,000 population, in Osh province (the region worst hit) 90.5 per 100,000. “Gosudarstvennaia programma po preduprezhdeniiu VICH/SPIDa i sotsial’no-ekonomicheskikh posledstviu epidemii v Kyrgyzskoi Respublike na 2006-2010” [State programme on preventing HIV/AIDS and the socio-economic consequences of the epidemic in the Kyrgyz Republic for 2006-2010], Bishkek 2005. GUIN’s reported infection rate is the equivalent of 771 cases per 100,000.

<sup>166</sup> Crisis Group interview, Temir Mamatov, administrator of Colony “19”, Jangyjer, 26 July 2006.

<sup>167</sup> In the trial following the October 2005 uprisings, Evgenii Golovin, the *polozhenets* of Colony “31”, acknowledged that part of his duties was distributing narcotics to inmates every ten days – though he insisted he did this only for the seriously ill “in order to ease their suffering”. Another defendant testified some 6 grams of heroin were stashed in Colony “31” at the time of the uprising. Zastasheva, “Zabavnoe shou”, op. cit.

<sup>168</sup> Crisis Group interview, Bishkek, 15 December 2005.

<sup>169</sup> Crisis Group interview, Bishkek, August 2006.

<sup>170</sup> Crisis Group interview, Bishkek, 14 August 2006.

<sup>171</sup> Crisis Group interview, Bishkek, 18 July 2006.

doctors say, is to pull a tooth, whatever the problem is. Equipment – from X-ray machines to dental chairs, refrigerators and surgical instruments – is often out of order, substandard, or nonexistent, with staff improvising as best they can. The absence of ambulances makes the emergency evacuation of seriously ill or injured inmates or staff problematic. Ventilation, particularly in SIZOs and IVS, is often extremely poor. Drinking water and sanitation are also major problems. In Colony “19”, according to its administrator, corroded pipes allow faecal matter to enter the water supply (there are only three crumbling pit toilets). The administrator estimates some 1,200,000 soms (\$30,000) are needed to upgrade the pipe system, a colossal amount in cash-strapped GUIN.<sup>172</sup> Medical staff is constantly on the lookout for dysentery, and supplements the woefully inadequate stores of medicine by gathering medicinal herbs and berries.

Specialised services, such as oncological or gynaecological treatment, are also all but unavailable. While in theory the MoJ and the MoH have an agreement on cooperation, no mechanism for it exists. Inmates lack medical insurance; they have access to MoH facilities only in the case of acute illness. While GUIN has a central hospital in Colony “47” in Bishkek, it is extremely limited in what it can provide.

## IV. POSSIBLE SOLUTIONS

### A. FINANCING

Clearly, money is the key to many of GUIN's problems. Some observers hope prison production – the main source of income in Soviet days – might be resurrected but many observers are sceptical. “The idea of prison production is just utopian”, said a reform activist. “Resurrecting the old GULAG system of prison labour will never let you compete with the free market. It was one thing in Soviet times, but it's just not possible now”.<sup>173</sup> Nonetheless, there are successful, small prison industries which allow inmates relatively useful ways to spend their time and a modest income, such as the sewing factory in the women's prison. There is, however, potential for abuse; if prison production is expanded, strong safeguards are needed to prevent inmates from becoming slave labourers. Moreover, little can be expected from this unless GUIN's debt is forgiven.

With further increases in government funding seeming less likely, GUIN hopes for donor support but negotiations have not always gone smoothly. Kyrgyz officials and foreign interlocutors have at times contradictory expectations of how the other should act. A government official said:

We come to all of you with our hands out but these international organisations just make a lot of noise, a lot of PR. We don't sense much concrete help. A lot of them duplicate each other. If they can help us, fine, let them come. But if they're not going to give us concrete help, they shouldn't even come to us at all.<sup>174</sup>

“We all know things in GUIN are bad”, a Western donor representative said:

But GUIN simply has not been active in seeking out donor agencies. We can only fund applications that come from the Kyrgyz side, and no one has come to us with a concrete application. They have to come to us and tell us what they consider a priority – we can't force our priorities on them. Everything depends on how active they are. GUIN needs to come up with a simple, clear concept, and not just try to get as much money as possible and then figure it all out.<sup>175</sup>

<sup>172</sup> Crisis Group interview, Temir Mamatov, administrator of Colony “19”, Jangyjer, 26 July 2006.

<sup>173</sup> Crisis Group interview, Almaty, 24 January 2006.

<sup>174</sup> Crisis Group interview, Bishkek, March 2006.

<sup>175</sup> Crisis Group interview, Bishkek, December 2005.



In 2006, the MoJ presented *Ümüt* ("Hope"), a strategy for penal reform. Approved by the government on 10 March 2006, it is a broad-ranging list of priorities, including "humanising" the penal system and guaranteeing the legal rights of inmates; improving living conditions; reforming the criminal code and implementing alternative punishments for minor crimes; improving prison production; developing psychological and social rehabilitation facilities; improving the training of GUIN personnel; increasing civil society, international organisation and religious institution involvement; improving transparency; and enhancing security for inmates and staff. It endorses abolishment of the death penalty and adherence to UN guidelines for inmate treatment. It also calls for construction of new prison facilities<sup>176</sup> and fundamental renovation of existing ones, and pledges improved medical services and greater opportunities for work, education, communication, psychological treatment and social rehabilitation.<sup>177</sup>

In their joint comments, PRI and the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) praised a number of the goals but questioned others. They argued, for example, for "preparations for the step-by-step transfer of...medical treatment...of the incarcerated to the civil health system", instead of building up the separate prison hospital system. They also called for the further development of the probation service and post-release rehabilitation, with a correspondingly larger role for civil society, and for strengthening GUIN's centre for training and continuing education to prepare specialised staff such as lawyers, teachers and doctors.<sup>178</sup>

The donor response has been muted. Some have expressed concern the project lacks an overall long-term strategy, as well as details. "We need a project-based document", an international financial institution representative said. "It should have basic goals, actions, time periods, sums,

and so on. Then we can have a serious conversation about funding".<sup>179</sup>

The OSCE has started several projects to facilitate penal reform. The centre in Bishkek hosted a roundtable to present the *Ümüt* strategy to NGOs and international organisations in May 2006, and in July 2006 organised a visit to a number of detention centres by a group of experts, who are expected to issue both short- and long-term recommendations for further reform. The OSCE has also begun a project on public monitoring in Colony "10" in Jalalabat and the SIZO in Osh, and will provide funds for some minor repairs. Funds for repairs are also to be allocated for a number of IVS in Talas and Naryn, where the OSCE hopes also to open free legal aid centres for detainees.<sup>180</sup>

Donors generally do not regard the penal system as a priority and point out that most of their funds are already allocated. However, much can be done at relatively little cost; donors may wish to consider providing assistance to renovate living space and sanitary facilities, for example. Kyrgyz authorities should also be given opportunities to benefit from the experience of other former Soviet states which have made greater progress in reform; there may be a useful role for the EU to facilitate study trips for Kyrgyz authorities to its Baltic member states.

First, however, the Kyrgyz government will have to make penal reform its own priority, demonstrating political will by allocating promptly what funds there are for reform and reconstruction. It is unlikely donors will become involved in the prison system in its current state. *Ümüt* is an important first step but a declaration of intentions is not enough. The government must match words with actions.

## B. LEGAL REFORM

With financing unresolved, there should be a focus on steps which need not cost much money. One is legal reform. Many observers agree that a priority should be to reduce the prison population. With donors unlikely to fund new prisons and GUIN unable to pay for those it already has, a dramatic decrease in the prison population may be the only solution. The question is how to go about this.

There seems to be a growing consensus on the need for "humanisation" of the penal code, with minor offences

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<sup>176</sup> These include seven "general-regime" colonies in each province to hold 500 inmates each; one 150-person "enhanced-regime" colony each in the north and south; two women's colonies (one "general-regime", one "strict-regime") for 100 inmates each; two prison colonies (one "general-regime," one "strict-regime") for former court and law enforcement employees; and nine "arrest houses" for 50 detainees (one for each province, Bishkek and Osh).

<sup>177</sup> For a full list of the objectives, see Appendix C below.

<sup>178</sup> PRI and ODIHR, "Comments regarding the 'YMYT' National Program for the reform of the penitentiary system of the Republic of Kyrgyzstan until 2010", 30 March 2006. Others, however, are sceptical about doing away with prison hospitals. "Actually, in many cases, TB treatment in prisons is much better than it is on the outside", an international financial institute representative said.

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<sup>179</sup> Crisis Group interview, Bishkek, July 2006.

<sup>180</sup> Communication to Crisis Group from OSCE, August 2006.

being punished – at least for first offenders – other than by imprisonment. “There are people in prison for minor offences who shouldn’t be there”, a parliamentarian said. “The big criminals who commit serious crimes and rob millions of dollars don’t go to prison – in fact, some of them are sitting in power – but someone who steals a chicken or some kitchen utensils does”.<sup>181</sup> Two draft laws seeking to liberalise the criminal code are stalled in parliamentary committee. One would stipulate that possession of small amounts of drugs (up to 1.5 grams of heroin) would not result in criminal charges until the third offence.<sup>182</sup>

The Soros Foundation in Kyrgyzstan, with the local NGO Centre for the Support of Legal Reform, has been working with GUIN since 2002, providing suggestions for liberalising the penal code and developing alternative punishment. It has also monitored conditions in the juveniles’ colony and hopes to create a Public Council with the MoJ to facilitate further public monitoring of prison conditions.<sup>183</sup> This approach, which has also been implemented in Kazakhstan and other countries, has much to recommend it.

Despite the general move toward liberalisation, there have recently been calls for harsher measures in some areas. Authorities are increasingly concerned about the growing visibility and popularity of the radical Islamist movement Hizb ut-Tahrir, particularly in the south.<sup>184</sup> Responses to it in Central Asia have varied, from very harsh measures by Uzbekistan and Tajikistan to somewhat more lenient approaches by Kyrgyzstan and Kazakhstan. In Kyrgyzstan, arrested Hizb ut-Tahrir members are generally charged with instigating religious and ethnic tension, given relatively small fines (\$50 to \$100) for first offences, and prison sentences of three to five years for subsequent ones. In many cases, police have traditionally turned a blind eye, provided supporters do not cross certain lines.<sup>185</sup>

Increasingly, however, the security services and government officials seem to feel that is no longer adequate.<sup>186</sup> The parliamentary committee on defence, security, law and information policy has approved a bill strengthening criminal penalties for extremist activity that goes to the plenary later this year.<sup>187</sup> There are a number of reasons to question the wisdom of such an approach, however. The experience of Tajikistan, where Hizb ut-Tahrir influence continues to grow despite increasingly harsh measures, suggests a tough stance alone is not sufficient to halt the movement. Hizb ut-Tahrir members often are only too willing to go to prison, which they consider an ideal environment for spreading their views. With GUIN’s resources already stretched beyond the limit, the last thing the system needs is an influx of new prisoners, particularly ones as well-organised and committed as Hizb ut-Tahrir members. Meeting the challenge of radical Islam requires a more integrated and creative approach.<sup>188</sup>

A further question is who would ultimately be responsible for those sentenced to alternative punishments. The closest thing Kyrgyzstan has to a probation service, the UII, remains under MIA jurisdiction. While the *Ümit* strategy

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<sup>181</sup> Crisis Group interview, Bishkek, 28 April 2006.

<sup>182</sup> Crisis Group interview, Bishkek, 15 December 2005. Some express concerns, pointing out that 1.5 grams is more than ten doses. Prior offences would require fines and brief detainment with therapy; a third arrest would be punished with “corrective labour”.

<sup>183</sup> Crisis Group interview, Bishkek, March 2006.

<sup>184</sup> Hizb ut-Tahrir seeks the overthrow of all existing governments in the Islamic world and their replacement by a unitary, world-wide caliphate. Its original Central Asian centre was Uzbekistan but it now operates throughout the region. See Crisis Group Asia Report N°58, *Radical Islam in Central Asia: Responding to Hizb ut-Tahrir*, 30 June 2003. Hizb ut-Tahrir appears to be growing in influence and attracting an increasing number of women.

<sup>185</sup> Ibid.

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<sup>186</sup> “We need to be stricter with Hizb ut-Tahrir”, a local police official in Batken province said. “If we aren’t, we won’t be able to stop them. Right now, even if someone admits he’s in Hizb ut-Tahrir, we can’t do anything to him, because there’s no law on the books against them. So right now they feel that they can do whatever they want, and no one will touch them”. Crisis Group interview, Batken province, 12 April 2006. “When their cases go to court”, a police official in Osh province complained, “the charges are usually dropped, or they just get fines. We need to stiffen the penalties”. Crisis Group interview, Osh province, 11 April 2006.

<sup>187</sup> The draft legislation recommends a penalty of either a fine 100 to 200 times the minimum monthly wage (currently 100 soms, roughly \$2.50) imprisonment for one to three years for “participation in an extremist group”, a fine of 200 to 500 times the minimum wage or three to five years in prison for “organising an extremist group”, and imprisonment for five to ten years for taking advantage of one’s official position during the commission of such crimes. Similarly, the draft envisions a fine of 300 to 500 times the minimum wage or one to three years in prison for “preparing, distributing, acquiring, storing, transporting or sending extremist materials (leaflets, journals, books, video or audio cassettes and other carriers of information)”. The same act committed “with prior arrangement or with a group, with the use of one’s official position, or with financial or material support received from social or religious organisations, or from foreign states, organisations, or citizens” would carry a penalty of three to five years in prison. Draft law on changes to criminal code, on file with Crisis Group.

<sup>188</sup> Some in the government acknowledge this. “We need to strengthen the laws against Hizb ut-Tahrir”, a parliamentarian said, “but our main goal should still be prevention”. Crisis Group interview, Bishkek, 28 April 2006. Crisis Group will return to this issue in a subsequent report.

calls for it to be transferred to the MoJ and a full-fledged probation service to be created by 2008, it remains unclear how the new agency will be funded and who will staff it. The MIA is unlikely to give up the UII willingly, and its employees – 36 for the entire country – may be less than enthusiastic about being handed over to a cash-strapped, low-prestige body such as GUIN. A probation service is badly needed, however, both to monitor alternative sentences and to provide rehabilitative services for those emerging from the prison system. Obviously, this will take time, money and political will.

Perhaps a practical approach would be to begin with a small, specific target group, such as juveniles or women, that is especially vulnerable.<sup>189</sup> *Egl'*, a local NGO that cooperates with the young offenders' institution, stated in 2005 that the withdrawal of parental care and educational opportunities, coupled with the influence of criminals in the system and the lack of employment opportunities on release, vastly increases the chances of recidivism.<sup>190</sup> But given the severe shortages of staff and funding, development of even a rudimentary probation service will be impossible without close cooperation between GUIN, civil society and international organisations.

The death penalty will also be a difficult issue. Despite President Bakiyev's de facto abolition, a bill to end it in law was voted down in parliament; public opinion still seems, by and large, to favour capital punishment. Nonetheless, Bakiyev has made it clear that ultimate abolition is a major policy goal. The question arises what to replace it with. Many advocate a fixed prison term – twenty or 30 years – arguing reasonably that inmates sentenced to life without the possibility of parole pose a greater security risk than those who have at least some hope of ultimate release. There have been proposals to convert SIZOs in Naryn or Karakol (Isykköl province) into prisons with cell-block, as opposed to barrack accommodation; a further proposal, generally thought to be more cost-effective, is to convert the abandoned factory in Colony "19" into a maximum-security facility.<sup>191</sup>

A further issue is adequate legal aid for inmates, who frequently complain that they lack proper representation

and have no one to turn to for advice. Providing legal counselling could go far toward defusing confrontations with the authorities. If funding is not available, law students, lawyers, and NGO representatives should be encouraged to provide pro bono assistance.

### C. HEALTH CARE

Prison health care – particularly for TB – is receiving increased international attention. The German development bank, KfW, has played a major role. Initially, it envisaged a three-stage approach. The first, begun in 1998, saw the National Phthisiological (Tuberculosis) Centre (NPC) receive €2.6 million to buy equipment and medicine for the civilian sector. In the second, which ended in 2005, €3 million was given to buy medicine also for GUIN. The third phase, intended to begin in 2006, was only to provide care and upkeep of equipment on the assumption Kyrgyzstan's branch of the Global Fund to Fight AIDS, Tuberculosis, and Malaria (GFATM) would take over buying medicine.

Kyrgyzstan's application to the Global Fund for \$42 million (including \$9 million for TB, \$3 million for malaria, and \$30 million for HIV/AIDS) was rejected, however, except for \$500,000 for malaria through July 2006.<sup>192</sup> "This was a huge shock", a Western donor said. "All our programs were based on the assumption that the application would go through. Now we don't know what to do". A small reserve of medicine and donor agreement to spend money earmarked for other uses averted a crisis, and there is hope the next application will fare better.<sup>193</sup> Coordination between the NPC and international organisations is also said to have improved dramatically.<sup>194</sup>

In 2005, Germany forgave €700,000 of Kyrgyzstan's debt on the condition that €300,000 be devoted to combating TB in prisons.<sup>195</sup> GUIN intends to spend the money to buy medicine and equipment, as well as small farms for its prison colonies, with the intention of providing inmates with both work and a steady supply of food.<sup>196</sup> GUIN also will use it to purchase clothing

<sup>189</sup> The most common crimes for which women are sentenced to prison are narcotics possession and failure to repay debts. With rural poverty a persistence problem, women – who lack the man's option of going to Russia as migrant workers – sometimes turn to transporting narcotics as "mules". See Crisis Group Report, *Drugs and Conflict*, op. cit. Those convicted may be ostracised upon release, leading to a vicious circle of poverty, recidivism and re-imprisonment.

<sup>190</sup> Sergey Bogdanov, "Nesovershennoletnye. Zona trevog, nadezhd i ozhidaniy" [Minors. A zone of worries, hopes, and expectations], *Tribuna* 4 (80), 2005

<sup>191</sup> Crisis Group interview, Bishkek, 18 July 2006.

<sup>192</sup> Crisis Group interviews, Bishkek, November-December 2005. Those familiar with the application say it was hastily prepared and seriously flawed. "We spent hours re-doing Kyrgyzstan's application", a Western donor representative said, "because we understood that Kyrgyzstan desperately needed the money. And there were some good aspects of the application, but..."

<sup>193</sup> Crisis Group interviews, Bishkek, July 2006.

<sup>194</sup> Crisis Group interview, Bishkek, August 2006.

<sup>195</sup> Crisis Group interview, Bishkek, November 2005.

<sup>196</sup> This idea was originally put forward by the International Committee of the Red Cross (ICRC).

and kitchen utensils.<sup>197</sup> Project HOPE, with funding from the U.S. Agency for International Development (USAID), provides training and technical assistance. It has trained 39 GUIN doctors in TB and is now doing the same with GUIN health professionals. In 2004, it organised a Coordination Council on TB, run jointly by HOPE and the NPC and chaired by the health ministry.<sup>198</sup> MSF is training medical staff on TB issues, providing medication in Colony “31” and in the newly-constructed SIZO “50”, and planning to begin an assessment of the MDR TB problem.<sup>199</sup> However, no one is doing training in the Direct Observation, Short-term (DOTS) strategy of the World Health Organisation (WHO) that is essential to treating MDR TB.<sup>200</sup>

It may be necessary to keep the quasi-military structure of GUIN for some time. A military rank and the benefits that accrue to it are among the few incentives for taking a job with GUIN instead of in the civilian sector. “If you suddenly make all the doctors civilians, everyone will leave”, a relief worker said.<sup>201</sup>

The health considerations of releasing inmates with TB have been cited above. “From a point of view of infection, reducing the prison population is a good idea”, an expatriate doctor said. “Reducing overcrowding will obviously reduce the spread of disease. But from a treatment point of view, it’s a potential problem. We have to make sure that all prisoners identified with TB complete their treatment before they are released, or that there are structures in place to continue their treatment once they’re on the outside”.<sup>202</sup> Clearly inmates would benefit by closer coordination between GUIN and the health ministry; agreements on this have been signed but have sometimes meant relatively little in practice.

The Soros Foundation in Kyrgyzstan was successful in implementing a needle-exchange program in the prisons; since 2004, this has been managed by the Global Fund. The Soros Foundation also supports the “Atlantis” project, which runs twelve-step projects for

recovering drug addicts in Colonies “2”, “3”, “8” and “47”, including individual and group therapy.<sup>203</sup> Kyrgyzstan is one of the few countries in the world to have approved the use of methadone treatment in prisons, although methadone substitution therapy has not yet begun due to a shortage of funds.<sup>204</sup> The WHO has begun a program of prevention and harm reduction among prisoners.<sup>205</sup> The British government’s Department for International Development (DfID) has also engaged in harm-reduction strategies in prisons, including needle exchanges, condom distribution and education.<sup>206</sup>

Kyrgyzstan is one of the few Central Asian countries where the ICRC has free access to prisons. Since 1999, the ICRC has been conducting regular visits to all places of detention (including MIA and SNB facilities), assessing conditions and the treatment of detainees. It reports its findings and recommendations confidentially to the relevant authorities. It also provides direct, individual assistance to detainees and structural support to the authorities, including the rehabilitation of sanitary and medical facilities. Since 2004, the ICRC has also been helping the MoJ strengthen implementation of the DOTS strategy in the penitentiary system.<sup>207</sup>

Mental health, however, is still being neglected. Training and assistance to GUIN medical staff in meeting this challenge would go far toward improving conditions for inmates and staff alike.

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<sup>197</sup> Crisis Group interview, Bishkek, 6 July 2006.

<sup>198</sup> Crisis Group interview, Bishkek, November 2005. Nonetheless, some still bemoan the lack of systemic coordination among those working on TB in prisons, particularly between the justice and health ministries, and say that the Coordination Council has too much of an ad hoc nature. “The best we can say is that we’re not interfering with each other”, one commentator said. Crisis Group interview, Bishkek, July 2006.

<sup>199</sup> Crisis Group interview, Bishkek, August 2006. MSF’s insistence on using its own drugs, rather than those used by Kyrgyzstan’s national TB program, has led to some friction.

<sup>200</sup> Crisis Group interview, Bishkek, August 2006.

<sup>201</sup> Crisis Group interview, Bishkek, July 2006.

<sup>202</sup> Crisis Group interview, Bishkek, July 2006.

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<sup>203</sup> Crisis Group interview, Bishkek, 15 December 2005.

<sup>204</sup> Crisis Group interview, Bishkek, August 2006.

<sup>205</sup> Crisis Group interview, Bishkek, November 2005.

<sup>206</sup> Crisis Group interview, Bishkek, 25 July 2006.

<sup>207</sup> Crisis Group interview, ICRC representative, Bishkek, 14 August 2006.

## V. CONCLUSION

Many, if not most, GUIN problems haunt the penal systems of other ex-Soviet states. Kazakhstan's prisons in the mid-1990s were seriously overcrowded, as Kyrgyzstan's are today, with some 100,000 inmates – the third highest in the world – in around 100 facilities, scarce funding and rampant TB that killed more than 1,000 prisoners every year. With the help of NGOs such as the Royal Netherlands TB Foundation and PRI, it was able almost to halve its prison population and dramatically reduce TB (some 100 deaths were reported in 2005).<sup>208</sup> It has also had success in linking prison healthcare to the civilian sector; after Project HOPE ran a pilot program, more than 70 per cent of former inmates with TB now regularly attend civilian health facilities.<sup>209</sup> However, a Kazakh human rights activist reports that the punitive nature of the justice system is unchanged, with only a tiny fraction of trials resulting in acquittals, alternative sentences rare and heavy reliance on amnesties to reduce the prison population.<sup>210</sup>

Nor are the problems unique to the former USSR. Issues such as inmate violence, collusion between prison authorities and inmates, and a strict, at times brutal, inmate hierarchy can be found in developed world prisons as well, notably in the U.S. The ability of criminals to reach beyond prison walls and wreak havoc in the civilian world is also not unique, as evidenced by the violence unleashed on São Paulo, Brazil by a prison gang in mid-2006.<sup>211</sup> The danger in Kyrgyzstan comes from the lack of buffers between events in the criminal world, including the prisons, and those in the political world, to the extent that conflict in one can easily lead to conflict in the other, as the events of October 2005 showed. The yearly ritual of sweeping amnesties ensures constant mobility between the two worlds, with serious implications for the struggle against crime and to contain infectious diseases.

Kyrgyzstan has taken a number of important steps towards reform. Transferring GUIN from the MIA to the MoJ was instrumental in improving its transparency. Serious attempts to clean up corruption within the system have won praise from some international observers. Many prison officials are genuinely

concerned about conditions for staff and inmates alike and have shown creativity in efforts to make things at least somewhat more tolerable. Officials are candid about the problems they face, and the “*Ümüt*” strategy is good as far as it goes.

Fundamentally changing the system, however, will require a serious commitment by the government and the active involvement of civil society and local administrations. It will also require donors to recognise the dangers in the current system and give support and guidance. However, prison reform will go nowhere if done in a vacuum. GUIN is part of the justice system; in many ways its problems reflect those of that system at all levels. Reform of the justice system as a whole – including police, courts, Prosecutor General's Office and GUIN – is essential. Some good work has begun, with close cooperation between government, civil society, law enforcement and the international community, but there is much more to be done.

A functioning, politically independent justice system is an integral part of a functioning state; without a transparent, unbiased justice system, democracy is impossible. Faith in the justice system can go a long way towards improving confidence in government, and one that works is one of the best means available for preventing disputes from escalating into potentially violent conflict.

**Brussels/Bishkek, 16 August 2006**

<sup>208</sup> Crisis Group interview, Vera Tkachenko, director, PRI representative office in Central Asia, Almaty, 24 January 2006.

<sup>209</sup> Crisis Group interview, Bishkek, November 2005.

<sup>210</sup> Crisis Group telephone interview, Evgenii Zhovtis, chairperson, Bureau of Human Rights NGO, Kazakhstan, 13 July 2006.

<sup>211</sup> Andrew Downie, “Brazil gang takes on state”, *The Christian Science Monitor*, 16 May 2006. The gang's name is First Capital Command (*Primeiro Comando da Capital*, PCC).

## APPENDIX A

### MAP OF KYRGYZSTAN



## APPENDIX B

### MAP OF CHÜY PROVINCE



## APPENDIX C

### GLOSSARY OF ABBREVIATIONS, ACRONYMS AND FOREIGN TERMS

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<b>Blatnye</b>	Career criminals; the highest caste in Soviet and post-Soviet prisons
<b>DOTS</b>	Direct Observation, Short Term, a WHO program
<b>GFATM</b>	Global Fund to Fight AIDS, Tuberculosis, and Malaria
<b>GUIN</b>	<i>General'noe upravlenie po ispolneniiu nakazanii</i> , General Directorate for the Execution of Punishment
<b>HIV/AIDS</b>	Human immunodeficiency virus/Acquired immune deficiency syndrome
<b>ICRC</b>	International Committee of the Red Cross
<b>IVS</b>	<i>Izoliator vremennogo sodержaniia</i> , temporary detention facility
<b>KfW</b>	( <i>Kreditanstalt für Wiederaufbau</i> , German Development Bank
<b>Khoziai</b>	“Master”, the director of a prison
<b>Krasnye</b>	“Reds”, law enforcement officials; also the third caste of prisoners, those who collaborate with prison authorities
<b>Maliava</b>	A written note containing the instructions of a <i>vor</i> to his underlings
<b>MDR TB</b>	Multidrug-resistant tuberculosis
<b>MIA</b>	Ministry of Internal Affairs
<b>MoJ</b>	Ministry of Justice
<b>MSF</b>	<i>Médecins sans frontières</i> , Doctors without Borders
<b>Muzhiki</b>	“Lads”, petty criminals; the second caste in Soviet and post-Soviet prisons
<b>NGO</b>	Non-governmental organisation
<b>NPC</b>	National Phthisiological (Tuberculosis) Centre
<b>Obshchak</b>	An informal treasury maintained by prisoners; also, the community of those who maintain this treasury.
<b>ODIHR</b>	Office of Democratic Institutions and Human Rights of the OSCE
<b>OSCE</b>	Organisation for Security and Cooperation in Europe
<b>Petukhi</b>	“Roosters”; passive homosexuals; the lowest caste of prisoners
<b>Polozhenets</b>	The representative of a <i>vor</i> in a prison
<b>PRI</b>	Penal Reform International
<b>SIZO</b>	<i>Sledstvennyi izoliator</i> , investigative detainment facility
<b>TB</b>	Tuberculosis
<b>UII</b>	<i>Ugolovno-ispolnitel'naia inspektsiia</i> , Criminal-executive inspectorate
<b>USAID</b>	United States Agency for International Development
<b>Vor (v zakone)</b>	“Thief (by law)”; the highest rank in the Soviet and post-Soviet criminal underworld
<b>WHO</b>	World Health Organisation
<b>Zona</b>	“The zone”; a prison camp



## APPENDIX D

### SUMMARY OF THE KYRGYZ GOVERNMENT'S PRISON REFORM STRATEGY "ÜMÜT" ("HOPE")

Approved by the Government of Kyrgyzstan, 10 March 2006

Activity	Responsible body or bodies	Time period
1. Bring the legal basis for the penitentiary system into line with international treaties signed by GoK.	MoJ, MIA	2006-2009
2. Prepare law abolishing the death penalty.	MoJ, MIA	2006
3. Replace the death penalty with life imprisonment or long-term imprisonment.	MoJ	2006
4. See that prison conditions adhere to legal and international norms.	MoJ, Prosecutor General, <sup>212</sup> MoH	2007
5. Prepare law on compensation for false detention, arrest, and imprisonment.	Prosecutor General, Supreme Court, MoJ	2008-2009
6. Prepare decree on IVS conditions.	MoJ, Prosecutor General	2006
7. Organise a service for legal defence of convicts and detainees within GUIN.	MEF, <sup>213</sup> MoJ	2007
8. Prepare decree on increasing number of psychologists, social workers, probation officers, and observers.	MEF, MoJ	2006-2009
9. Study the question of establishing regional penitentiary administrations.	MoJ	2010
10. Provide buildings for regional penitentiary administrations.	Local administrations, MoJ	As established
11. Transfer some penitentiary staff to service staff category, with retention of benefits.	MoJ, MEF, MSL <sup>214</sup>	2007
12. Work out norms for staffing levels in accordance with international norms.	MoJ, MEF	2007
13. Transfer military personnel in guard and transport services to contract status.	MoJ, MEF	2010
14. Create a centre for penitentiary studies.	MoJ, MEF, international organisations, NGOs	2007-2008
15. Increase the organisational and material bases of the MoJ's training centre.	MoJ, international organisations, NGOs	Constant
16. Investigate possibility of creating specialisation on prison law in institutes of higher education.	MoE	2007
17. Train penitentiary staff in social work.	MoE, MSL, international organisations, NGOs	Constant

<sup>212</sup> The participation of the Prosecutor General, Supreme Court, international organisations and NGOs is contingent upon their consent.

<sup>213</sup> Ministry of Economics and Finance.

<sup>214</sup> Ministry of Social Protection and Labour.

18. Introduce special disciplines on the psychological and legal issues of those isolated from society in institutes of higher education.	MoE <sup>215</sup>	2007
19. Establish criteria for staff working with women and minors.	MoJ	2007
20. Allow for exchange of experience with penitentiary staff from other countries.	MoJ, international organisations, NGOs	Constant
21. Establish criteria for penitentiary staff.	MoJ	2007
22. Provide benefits for penitentiary staff in accordance with law.	MoJ, MSL	2006
23. Increase salaries for penitentiary staff.	MoJ, MEF	2006-07-27
24. Develop documents establishing norms for interaction between prison and public health care systems.	MoJ, MoH, NGOs	2006-2007
25. Include penitentiary systems in government programs on prevention and treatment of infectious diseases.	MoH, MoJ	Constant
26. Organise a medical services agency of the MoJ.	MoH, MoJ, SPC <sup>216</sup>	2006-2008
27. Conduct annual TB screening and voluntary HIV testing for inmates.	MoH, MoJ, international organisations	Constant
28. Include the penitentiary system in pilot projects on disease prevention and training of health care staff.	MoH, MoJ, MFA <sup>217</sup>	Constant
29. Provide clinical and bacteriological laboratories for prison clinics and two mobile fluoroscopes.	MEF, MoH, MoJ, international organisations	2007
30. Introduce harm-reduction measures in prisons.	MoJ, MoH, international organisations, NGOs	2006-2007
31. Implement mandatory health insurance for inmates.	MoJ, MoH, international organisations, NGOs	2008
32. Provide penitentiary system with TB medications and other supplies provided by Germany and other international donors.	MoJ, MoH	2006
33. Develop a mechanism for creating special for-pay medical facilities for inmates for extra treatment.	MoJ, MoH	2006-2008
34. Organise a government service to help those who have been released from prison.	MSL, MoJ, MEF, local administrations, NGOs	2006-2010
35. Allow inmates access to distance learning.	MoJ, MoE, MSL, international organisations, NGOs	2007
36. Introduce measures of restorative justice in penitentiary facilities.	MoJ, Prosecutor General, Supreme Court, international organisations, NGOs	2007-2009
37. Develop criteria for conflict prevention, mediation, and moral upbringing of inmates.	MoJ, MoE	2007-2009
38. Prepare regulations on care for inmates and minors.	MoJ, MoE	2007

<sup>215</sup> Ministry of Education.

<sup>216</sup> State Property Committee.

<sup>217</sup> Ministry of Foreign Affairs.

39. Establish procedures for formation and activities of prisoners' associations.	MoJ	2007
40. Create rooms for psychological relaxation for staff.	MoJ, international organisations	2007-2010
41. Develop project for attracting grants for professional orientation of inmates.	MoJ, MSL, State Migration Committee, international organisations, NGOs	2006-2007
42. Establish program for the rehabilitation and social adaptation of juvenile inmates.	MoJ, MSL, international organisations, NGOs	2007
43. Create centres of social and psychological aid in colonies.	MoJ, international organisations, NGOs	2008
44. Create Foundation for the Support of Juvenile Offenders.	MoJ, international organisations, NGOs	2007
45. Carry out charitable acts for women and juvenile inmates.	MoJ, MoE, international organisations, NGOs	Constant
46. Consider transition from barrack accommodation to cell-based or mixed accommodation.	MoJ	2007-2010
47. Organise professional training in penal institutions.	MSL, MoJ	2007
48. Prepare an application for a grant to develop pilot centres for social rehabilitation in Colonies "36" and "41".	MoJ, MSL, international organisations,	2007
49. Draft a law on status, function, authority of staff and mechanisms of alternative punishment.	MoJ, international organisations, NGOs	2007-2008
50. Transfer UII from MIA to MoJ, create probation service.	MoJ, MEF, MIA, NGOs	2006-2008
51. Create automated data base of convicts in GUIN.	MoJ, international organisations, NGOs	2006-2008
52. Study possibility of sending university students to penitentiary institutions for practical training.	MoJ, MoE	2007
53. Develop decree on non-salaried probation staff.	MoJ, NGOs	2009
54. Teach probation staff international norms and standards of working with convicts.	MoJ, international organisations, NGOs	Constant
55. Carry out social and legal study of those sentenced without imprisonment.	MoJ, international organisations, NGOs	2008-2009
56. Create a production association within the penal system.	MoJ, SPC, MITT <sup>218</sup>	2006-2008
57. Implement state orders for goods produced in penal institutions.	MITT	Constant
58. Include prison production in long-term development projects.	MITT	Constant
59. Create free economic zones in penal institutions.	MITT, MoJ	2006-2008
60. Build processing plants for agricultural products in Colonies "13", "26", "28" and "29" to allow better nourishment of inmates.	MITT, MAWR, <sup>219</sup> local administrations, NGOs	2006-2008

<sup>218</sup> Ministry of Industry, Trade and Tourism.

<sup>219</sup> Ministry of Agriculture and Water Resources.

61. Implement measures to improve living conditions of death row inmates, including finding additional funds to build a separate complex for their housing, and attract funding from international organisations who support efforts by the Kyrgyz Republic to abolish the death penalty.	MFA, local administrations	2006
62. Implement law on building new facilities and repairing existing ones.	MEF, MoJ, SPC, provincial administrations	2006-2010
63. Allocate funds for general renovation of Colonies "1", "2", "3", "8", "10", "14", "16" and "19".	MEF, MoJ, SPC, provincial administrations, international organisations, NGOs	2006-2010
64. Examine norms for living conditions of inmates in accordance with international norms and standards.	MoJ	2007
65. Study question of providing penal staff with arms and non-lethal weaponry and make recommendations.	MoJ, MEF, MoD, <sup>220</sup> MIA	2006
66. Work to get assistance from law enforcement structures abroad to obtain equipment for security and self-defence.	MoJ, MFA, MEF, international organisations	Constant
67. Repair and update vehicles for transporting inmates.	MoJ, MEF	2006-2008
68. Reconstruct security systems in penal institutions.	MoJ, MEF	2006-2010
69. Organise the work of the penal system press service.	MoJ	2006
70. Establish cooperation between the MoJ and non-profit organisations.	MoJ	Constant
71. Establish contacts with penal systems of foreign countries.	MoJ, MFA	Constant
72. Work to attract grants from international organisations to improve the functioning of the penal system.	MoJ, MFA, MEF, international organisations	Constant

<sup>220</sup> Ministry of Defence.

## APPENDIX E

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with nearly 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made available simultaneously on the website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policy-makers around the world. Crisis Group is co-chaired by the former European Commissioner for External Relations Christopher Patten and former U.S. Ambassador Thomas Pickering. Its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

Crisis Group's international headquarters are in Brussels, with advocacy offices in Washington DC (where it is based as a legal entity), New York, London and Moscow. The organisation currently operates fourteen field offices (in Amman, Bishkek, Bogotá, Cairo, Dakar, Dushanbe, Islamabad, Jakarta, Kabul, Nairobi, Pretoria, Pristina, Seoul and Tbilisi), with analysts working in over 50 crisis-affected countries and territories across four continents. In Africa, this includes Angola, Burundi, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Liberia, Rwanda, the Sahel region, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan,

Myanmar/Burma, Nepal, North Korea, Pakistan, Tajikistan, Turkmenistan and Uzbekistan; in Europe, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Kosovo, Macedonia, Moldova, Montenegro and Serbia; in the Middle East, the whole region from North Africa to Iran; and in Latin America, Colombia, the Andean region and Haiti.

Crisis Group raises funds from governments, charitable foundations, companies and individual donors. The following governmental departments and agencies currently provide funding: Australian Agency for International Development, Austrian Federal Ministry of Foreign Affairs, Belgian Ministry of Foreign Affairs, Canadian Department of Foreign Affairs and International Trade, Canadian International Development Agency, Canadian International Development Research Centre, Czech Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, European Union (European Commission), Finnish Ministry of Foreign Affairs, French Ministry of Foreign Affairs, German Foreign Office, Irish Department of Foreign Affairs, Japanese International Cooperation Agency, Principality of Liechtenstein Ministry of Foreign Affairs, Luxembourg Ministry of Foreign Affairs, New Zealand Agency for International Development, Republic of China (Taiwan) Ministry of Foreign Affairs, Royal Danish Ministry of Foreign Affairs, Royal Norwegian Ministry of Foreign Affairs, Swedish Ministry for Foreign Affairs, Swiss Federal Department of Foreign Affairs, United Kingdom Foreign and Commonwealth Office, United Kingdom Department for International Development, U.S. Agency for International Development.

Foundation and private sector donors include Carnegie Corporation of New York, Compton Foundation, Flora Family Foundation, Ford Foundation, Fundación DARA Internacional, Bill & Melinda Gates Foundation, William & Flora Hewlett Foundation, Hunt Alternatives Fund, Korea Foundation, John D. & Catherine T. MacArthur Foundation, Moriah Fund, Charles Stewart Mott Foundation, Open Society Institute, Pierre and Pamela Omidyar Fund, David and Lucile Packard Foundation, Ploughshares Fund, Sigrid Rausing Trust, Rockefeller Foundation, Rockefeller Philanthropy Advisors, Sarlo Foundation of the Jewish Community Endowment Fund and Viva Trust.

**August 2006**

## APPENDIX F

### CRISIS GROUP REPORTS AND BRIEFINGS ON ASIA SINCE 2003

#### CENTRAL ASIA

*Cracks in the Marble: Turkmenistan's Failing Dictatorship*, Asia Report N°44, 17 January 2003 (also available in Russian)

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