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# **SUBMISSION ON KYRGYZSTAN TO THE UN HUMAN RIGHTS COMMITTEE**

**136<sup>TH</sup> SESSION, OCTOBER-NOVEMBER 2022**

**IPHR** - International Partnership for Human Rights is an independent, non-governmental organisation founded in 2008. Based in Brussels, IPHR works closely together with civil society groups from different countries to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities in repressive environments.

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# Introduction

This document is submitted by International Partnership for Human Rights (IPHR, Belgium), Legal Prosperity (LPF, Kyrgyzstan) and CIVICUS as contribution to the Human Rights Committee's consideration of Kyrgyzstan's third periodic report under the International Covenant on Civil and Political Rights (ICCPR) at its 136<sup>th</sup> session in October-November 2022. The submission covers **the protection of the freedoms of expression, association and peaceful assembly**, as well as **civic space** and related issues in Kyrgyzstan. It thereby provides information, in particular, on issues addressed in paragraphs 15, 21, 22, 23 and 26 of the List of Issues adopted by the Committee for the review of Kyrgyzstan. It was finalised at the beginning of September 2022.

The submission draws on regular updates on Kyrgyzstan prepared by IPHR and LPF as part of their cooperation with CIVICUS Monitor, a unique CIVICUS initiative to track civic space worldwide.<sup>1</sup> Kyrgyzstan is currently rated as "obstructed" on the CIVICUS Monitor.<sup>2</sup>

The submission highlights key concerns in the areas covered, with a particular focus on developments since October 2020, when Kyrgyzstan experienced a serious **political crisis** as peaceful mass protests against parliamentary election results evolved into clashes between protesters and law enforcement authorities and the government and president were forced to resign.<sup>3</sup> The crisis saw the rise to power of Sadyr Japarov, who was subsequently elected president in January 2021. After Japarov took office, the authorities pushed through a **controversial new constitution**, which significantly **expanded the president's powers while weakening checks and balances**, thus paving the way for increasingly authoritarian rule. In a joint opinion<sup>4</sup>, the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) concluded that "the overly prominent role and prerogatives of the President over the executive and the other branches of powers, with a weakened role of the Parliament and potential encroachments on judicial independence creates a real risk of undermining the separation of powers and the rule of law in the Kyrgyz Republic."

While Japarov insisted that Kyrgyzstan would remain "democratic" following the adoption of the new constitution and that there would be no politically motivated persecution under his rule<sup>5</sup>, developments since the October 2020 crisis have **reinforced concerns about a worsening climate for free speech** in the country and **persecution of those who criticise, oppose and challenge the policies of the authorities**. New problematic measures, including legislative measures to restrict freedom of expression, association and peaceful assembly have been initiated, as described in the different chapters below.

The submission also summarises human rights concerns related to the authorities' response to the COVID-19 pandemic.

## Covid-19 response and human rights protection<sup>6</sup> (ICCPR articles 4, 9, 10, 12, 19, 21, 22)

In response to a growing number of Covid-19 cases registered in the country, the Kyrgyzstani authorities announced a **nation-wide emergency situation** as of 22 March 2020, and declared a stricter **state of emergency** in Bishkek and several other regions as of 25 March 2020. The state of emergency ended on 10 May 2020, while the emergency situation remained in force beyond this date.

The emergency regimes featured a series of restrictions on fundamental rights. Kyrgyzstan formally **derogated from its obligations under articles 12 and 21 of the ICCPR** in the parts of the country where the state of emergency was enforced given the restrictions on the freedoms of movement and assembly that this regime entailed.<sup>7</sup> However, the implementation of the emergency regimes **also negatively affected the protection of other rights** alongside those formally suspended.

Under the emergency regimes, law enforcement authorities stopped, warned, and fined thousands of people for violating the curfew and other rules. Those detained for curfew violations were **not granted access to legal assistance** and **were held for hours in crowded police cells**, where they were at increased risk of contracting Covid-19. New legal provisions introduced to punish violations of emergency rules were **vaguely worded** and set out **disproportionately harsh penalties**, such as heavy fines and even imprisonment. At the beginning of the Covid-19 crisis, **lawyers experienced difficulties in assisting clients** because they were not exempted from the restrictions on movement enforced in Bishkek and elsewhere.

Media outlets faced **obstacles in providing access to information** for citizens during the pandemic. For weeks, journalists were not accredited to work in the capital and other regions where the state of emergency was in force and could therefore not effectively carry out their professional activities. In addition, journalists reported problems with obtaining relevant information from government officials on the measures taken in the struggle against Covid-19. The restrictive media policy primarily affected independent media, while state media were used as platforms for communicating government information about the pandemic.

In another development raising free speech concerns, security services **detained, threatened and pressured social media users to “publicly apologise”** for posts allegedly containing “false” information about the pandemic. Those targeted included medical professionals drawing attention to the lack of appropriate means of protection against Covid-19 at medical facilities. A new problematic law, which prohibits the dissemination of “false information” on the internet, was also introduced during the pandemic (see more in the chapter on free speech and media climate).

As part of the emergency measures implemented in Bishkek and other regions, all **assemblies were banned**. However, in practice, law enforcement authorities **selectively enforced this ban**, allowing some peaceful protests to take place, while dispersing others, including protests where the participants practised social distancing and used masks.

## Recommendations

The authorities of Kyrgyzstan should be requested to:

- Ensure that any measures taken to restrict fundamental rights during emergencies, such as pandemics are fully consistent with Kyrgyzstan's international human rights obligations, including the strict requirements for derogations and limitations of rights set out by the ICCPR.
- Carry out thorough and impartial investigations into alleged violations of the rights of media outlets, media workers, social media users, lawyers and other residents in the context of the emergency regimes implemented in response to the Covid-19 pandemic and hold those responsible to account.

## Free speech and media climate (ICCPR articles 19 and 2, 9, 14, 17, 21, 22)

### State control of media

The authorities have recently attempted to **increase state control of the media environment**. In particular, new legislation, which was adopted by parliament and signed by the president in April 2022, **changed the status of the national TV and radio broadcasting corporation** from that of a public institution (OTRK) to a state institution (NTRK). The new legislation also abolished the corporation's previous supervisory board – one third of whose members were made up of civil society representatives, with its director hereafter set to be appointed directly by the president.<sup>8</sup> In addition, the president has ordered all regional state TV and radio companies to be brought under the NTRK's management.<sup>9</sup>

National and international media organisations have protested against the reform of the OTRK, warning that it will undermine the editorial independence, transparency, and accountability of the corporation and result in that its TV and radio channels become mouthpieces of the authorities.<sup>10</sup>

At the same time, as described in more detail below, **non-state media outlets and journalists have been subjected to growing pressure** in relation to their coverage of issues deemed sensitive by authorities.

### Intimidation and harassment of critical voices

In an alarming trend, **civil society activists, journalists, bloggers, lawyers and other critical voices have been subjected to increasing intimidation and harassment** in Kyrgyzstan.

Activists and journalists critical of the government have increasingly faced **online threats**, originating both from so-called social media trolls using fake accounts and from real government supporters. According to observers, while the trend of online threats began prior to the political crisis in October 2020, it has reached a new level since then.<sup>11</sup> Media investigations have shown that fake accounts systematically

engage in efforts to praise those who pay them in Kyrgyzstan and attack their opponents, including political figures, journalists and activists.<sup>12</sup>

Those in power have failed to unequivocally condemn online harassment of government critics, and the authorities have failed to take effective measures to investigate such incidents and hold those responsible to account. This has contributed to a **climate of impunity for such threats**. For example, in an interview to the Kyrgyz service of Radio Free Europe/Radio Liberty (RFE/RL) in March 2021, President Japarov said that he does not consider online threats against journalists to constitute any form of pressure as internet users can write “whatever they want”.<sup>13</sup> Civil society representatives have also expressed concern that Japarov and other high-ranking public figures have themselves used rhetoric encouraging hostile online behaviour by their supporters against journalists and activists.<sup>14</sup>

Aside from receiving online threats, journalists, bloggers, human rights defenders, lawyers, civil society activists and opposition supporters who have criticised the authorities, drawn attention to high-level corruption, and campaigned for political change have also been subjected to other forms of intimidation and harassment. It is of particular concern that a growing number of critics have been subjected to **surveillance, searches of their homes, detention, interrogation and criminal prosecution** in apparent retaliation for their journalistic and civic activities. Those targeted include individuals who have spoken out against the controversial new constitution and other measures initiated since the October 2020 political crisis and President Japarov’s rise to power.

In our ongoing monitoring and reporting on civic space trends in Kyrgyzstan, we have documented numerous cases of intimidation and harassment.<sup>15</sup> Below we only describe a few cases that illustrate broader concerns.

Recently several cases of wiretapping of government critics have been reported. This one is particularly worrying:

- *It was revealed in August 2021 that **police had wiretapped dozens of opposition politicians, civil society activists, human rights defenders and other critical voices** as part of investigation into the October 2020 mass protests and unrest. A local judge in Bishkek issued a decision sanctioning the monitoring of the phone conversations of these individuals during the period from 6 January to 10 February 2021. In an open appeal to the president, a number of those targeted, including among others, Reform party leader Klara Sooronkulova, lawyer Nurbek Toktakunov, human rights defender Rita Karasartova and lawyer Saniya Toktogazieva seriously objected to this measure, saying that the judge had approved it without clarifying the involvement of those affected in the events under investigation. They also noted that most of those wiretapped were people who had prominently criticised current state policies, including the draft constitution under consideration at the time.<sup>16</sup> The General Prosecutor’s Office stated that the wiretapping had been conducted in accordance with relevant provisions of criminal procedure legislation and that it had found no violations. However, the Ombudsperson raised concerns about the measure and the scope of those targeted.<sup>17</sup>*

Journalists and others covering corruption issues are especially vulnerable to persecution, including criminal charges, as the following case shows:

- Investigative journalist **Bolot Temirov** is facing criminal charges believed to have been initiated in retaliation for his investigations into high-level corruption.<sup>18</sup>

On 22 January 2022, police carried out a raid of the office of the journalist's YouTube-based outlet, *Temirov Live* in Bishkek and detained him after allegedly finding a package of drugs in his pockets. The journalists and his colleagues maintain that the drugs were planted on him. Police also seized computers and other equipment containing investigative journalistic materials, despite this having no connection to the drug charges. Temirov was subsequently charged under Criminal Code article 283, which penalises the manufacturing, acquisition, and possession of drugs and released with an order not to leave the city. Just two days before the raid, *Temirov Live* had published an investigation which implicated relatives of the head of the State Committee for National Security (SCNS), Kamchybek Tashiev, in an alleged corruption scheme related to the export of fuel produced by a state company. For months prior to the raid, Temirov and his colleagues had reported surveillance, intimidation, and threats in response to their investigative work.

On 19 April 2022, Temirov learned that additional charges had been filed against him on “forgery of documents” and “illegal crossing of the state border” (under Articles 378 and 379 of the Criminal Code). Temirov – who also holds a Russian passport — was accused of using falsified documents when obtaining and renewing his Kyrgyzstani passport. His lawyer stressed that the allegedly forged documents were issued by authorised state bodies and that Temirov's passport has been regularly checked and stamped at the border during his trips abroad in the past 14 years. This time, the charges were pressed the day after *Temirov Live* published a video which alleged that the children of the SCNS head had won lucrative government tenders.

The trial in Temirov's case began in June 2022 and was ongoing in early September 2022.

This is not the first time that Temirov has come under pressure because of his investigative work. In January 2020, he was physically assaulted near his office in central Bishkek following the publication of corruption allegations by his then outlet, *Factcheck.kg*.<sup>19</sup> While four people were later convicted of carrying out the attack, they were immediately granted amnesty and those who ordered the attack have not been identified.<sup>20</sup>

Several journalists and bloggers have recently come **under criminal investigation because of social media posts** on issues, which are sensitive to the authorities. They have typically been accused of disseminating “false” information (see more in the next section on this issue), with charges being initiated under broadly worded Criminal Code provisions, which might be implemented to stifle legitimate free speech. This concerns in particular Criminal Code article 330, which prohibits “incitement” to racial, ethnic, national, religious and inter-regional hatred or discord without clearly defining what type of actions are considered to constitute “incitement”. The following two cases are part of this problematic pattern:

- On 3 March 2022, police raided the office of the privately owned media outlet, *Next TV* in Bishkek, confiscating equipment, sealing the office and detaining the outlet's director **Taalaibek Duishenbiev**. These actions were taken as part of an investigation concerning comments, which the outlet had reposted from a Ukrainian media outlet on its social media accounts. The comments in question suggested that Kyrgyzstan had agreed to provide military assistance to Russia in the context of the war in Ukraine and were attributed to a former high-ranking Kazakhstani security official. According to the investigators, the repost constituted disinformation, was misleading for the population, and served to

incite hostility on national grounds.<sup>21</sup> Based on a request from the General Prosecutor's Office, a local Bishkek court later ruled to declare the repost "extremist", a decision that was upheld on appeal by the Supreme Court.<sup>22</sup>

As sanctioned by court, Duishenbiev was placed in pre-trial detention as of 5 March 2022 on charges of inciting inter-national hatred (under article 330 of the Criminal Code). He remained in custody as of early September 2022, as the trial in his case was under way. If found guilty, he could face a lengthy prison sentence. Duishenbiev's lawyers noted that the charges against him were based on the conclusions of a state-ordered expert assessment, which found that Next TV's repost incited hatred, while the investigation failed to take into account the conclusions of independent experts, who were of a different opinion.<sup>23</sup> Both human rights organisations and Kyrgyzstan's Ombudsperson have voiced concerns about Duishenbiev's case in view of freedom of expression and the media.<sup>24</sup>

- On 14 August 2022, police in Bishkek summoned and detained civil society activist and blogger **Yrys Zhekshenaliev**, who administers a Facebook page called PolitUzник ("political prisoner").<sup>25</sup> This followed the publication on his Facebook page of an old video appeal<sup>26</sup> in which a former high-ranking security official, who competed against President Japarov in the 2021 presidential elections, spoke critically about Japarov's intentions regarding the Jetim-Too iron ore field.<sup>27</sup> The same day as the blogger was detained, President Japarov published a Facebook post in which he called on those, who present themselves as defenders of Jetim-Too, to stop spreading "lies" about the situation regarding the iron ore field and encouraged law enforcement authorities to "bring order" among these false "patriots".<sup>28</sup> According to the police, the posts on the Polit Uzник site represented an attempt to spread "incorrect" information and "manipulate public information" regarding Jetim-Too.<sup>29</sup> A criminal case was opened against Zhekshenaliev on charges of "calling for active disobedience to legitimate demands of representatives of the authorities and riots" (part 3 of article 278 of the Criminal Code), which carry a penalty of up to eight years in prison, with a local court sanctioning his pre-trial detention for two months.<sup>30</sup> Zhekshenaliev stated that he considers the charges to be politically motivated,<sup>31</sup> and independent lawyers denounced the case against him as an attack on freedom of expression and an attempt to prevent public discussion on an issue of public concern.<sup>32</sup>

In the following case, a criminal case was opened against an independent media outlet simply because it has reposted a controversial article published abroad:

- **Kaktus.media** came under investigation for "war propaganda" (under Criminal Code article 407) simply for reposting an article from a Tajikistani media outlet in January 2022. According to the General Prosecutor's Office, the reposted article contained incorrect information about the start of border clashes between Kyrgyzstan and Tajikistan in April 2021, of which the governments of the two countries have presented different interpretations. Kaktus.media's director and several of its staff members were summoned for interrogation, and the outlet reported attempts to hack its and its journalists' social media accounts.<sup>33</sup> The criminal case was eventually closed,<sup>34</sup> but the mere fact that it was opened based on a reposted article is troubling.

There are also cases in which journalists have been **intimidated and attacked when carrying out their professional activities**, including when covering elections and related events.<sup>35</sup> Journalists who were

covering the October 2020 post-election protests and unrest were subjected to a series of threats and attacks by both law enforcement officers and unknown perpetrators.<sup>36</sup> This case is particularly alarming:

- *On 5 October 2020, riot police fired a rubber bullet at journalist **Aibol Kozhomuratov** from the Current Time during a live broadcast from the scene of events in Bishkek, although he was wearing a reflective vest designated for media workers and was standing and filming at a well-lighted spot. Kozhomuratov was not harmed, but said that the bullet flew only “a millimetre” above his head.<sup>37</sup> Law enforcement authorities have **failed to take adequate measures to investigate** this and other reported attacks from the October 2020 events, resulting in impunity for those responsible, as deplored by media watchdogs.<sup>38</sup>*

## Campaign against “false” and “defamatory” information

Media watchdogs and human rights groups have raised the alarm that the new **Law on the Protection from Inaccurate (False) Information**<sup>39</sup> (hereafter “Law on False Information”) **violates free speech guarantees** and can be used as a  **censorship tool**.<sup>40</sup>

The initial version of this law, which was proposed by MPs and passed by parliament in June 2020, was vetoed by then President Sooronbay Jeenbekov. Following revisions, the law was approved by parliament on 28 July 2021 and signed by President Sadyr Japarov on 23 August 2021. However, the revisions failed to address key concerns raised by civil society. Implementing regulations adopted by the government several months later, in April 2022<sup>41</sup>, reinforced earlier concerns.

The new law sets out a **broadly worded ban on disseminating “inaccurate” or “false” information through the internet** and **obliges the owners of internet sites and pages to promptly remove any content based on complaints** from anyone alleging that the content in question has tarnished their honour, dignity or reputation. If the owners of online resources fail to respond to such complaints within 24 hours, the complainants might turn to the government to request the removal of the information in question and the suspension of the operations of the web resource that has published it for up to two months. According to the implementing regulations, the government body in charge will consider such requests within one day of receiving them and will, if the requests are approved, issue a decision ordering the web sites or pages affected to remove the information in question within a set deadline. If the web sites or pages affected fail to comply with these requests, the government body might order the providers hosting them to suspend their operations. The owners of web resources and providers who fail to implement decisions of the government body in charge might be held accountable under Kyrgyzstan’s Code of Offenses.

It is of serious concern that **no clear criteria** have been established for determining what information is considered “inaccurate” under the new law and that a government body is able to order the removal of information, as well as the suspension of web resources **without court approval**. The implementing regulations state that the owners of affected web resources and providers have the right to appeal the decisions of the government body through administrative and judicial procedures, but the initial decisions do not have to be sanctioned by court. Thus, the government body has discretionary powers, which might result in arbitrary decisions ordering the removal of information and the blocking of web

resources because of complaints from government officials, companies or others claiming to have been defamed.<sup>42</sup>

There have already been cases in which online resources have been blocked under the new law:

- *In August 2022, the Ministry of Culture, Information, Sports and Youth Policy (hereafter “Ministry of Culture”) issued a decision to suspend access to the news site 24.kg for two months allegedly based on a complaint from a Bishkek hotel concerning “incorrect” information posted on the site. According to 24.kg, this decision was made without any prior communication with its representatives, and internet providers and operators were immediately requested to implement the decision. Following inquiries by 24.kg, the Ministry of Culture eventually withdrew the decision, but some internet providers had already proceeded to block the site.<sup>43</sup>*
- *In an earlier case, in June 2022, the Ministry of Culture ordered the blocking of **them site of the ResPublika newspaper** based on complaint from the previous president of the company managing Manas International Airport in Bishkek, who argued that two old articles concerning an alleged corruption scheme at the airport contained “incorrect” information about him.<sup>44</sup> The newspaper’s chief editor expressed indignation at this decision, noting that the ex-president was convicted on charges of complicity in corruption following the publication of the two investigative articles in 2019.<sup>45</sup>*

In accordance with the Law on False Information, complainants also have the right to request compensation for the publication of the allegedly “incorrect” information through the court system. The law says that such compensation should be “proportionate” but does not define what this mean, creating the risk that officials or others might seek to use this as an opportunity to put additional pressure on the owners of “inconvenient” online resources. These concerns are reinforced by the fact that government officials and other influential people have repeatedly presented excessive claims for damages from media outlets and journalists, who have reported critically about them, when submitting defamation lawsuits under pre-existing legislation. Such requests serve to intimidate media outlets and journalists and risk contributing to self-censorship. The following case illustrates this problem:

- *Leading independent media outlets **Radio Azattyk** and **Kloop** and journalist **Ali Toktakunov** faced exorbitant claims for damages for allegedly defaming a former top custom official and his family after publishing a high-profile investigation in November 2019, which revealed systematic corruption within Kyrgyzstan’s Customs Service.<sup>46</sup> Thus, a key figure featured in this probe, former Customs Service Deputy Head Raimbek Matraimov and his family sued the two media outlets and the journalist for a total of 45 million Som (over 500,000 EUR). A local court began hearing the merits of the case in January 2020, but the trial was repeatedly postponed and the court case dragged on for more than a year. Finally in April 2021, the Matraimov family dropped their claims and withdrew the defamation lawsuits following the conviction in February 2021 of Raimbek Matraimov on corruptions charges.<sup>47</sup> In a widely criticised ruling, the ex-official was fined only around 2,500 EUR despite being found guilty since he had cooperated with the investigation and agreed to a compensation scheme.<sup>48</sup>*

The Law on False Information was initiated in the context of a **law enforcement campaign against social media users** implemented during the Covid-19 pandemic (see more in the chapter on Covid-19

response). Following its adoption, law enforcement authorities have **renewed efforts** to monitor and identify allegedly “false” information on social media, further strengthening concerns about violations of the right to freedom of expression. At a press conference in July 2022, Minister of Interior Ulan Niyazbekov stated that police investigate “provocative” material posted on social media and summon social media users for “prophylactic” discussions.<sup>49</sup> Security services have summoned and warned several bloggers, who have published posts critical of the authorities,<sup>50</sup> and some outspoken individuals have faced criminal charges because of posts on issues of public concern, which the authorities have deemed to contain “false” information (for examples, see the previous section).<sup>51</sup>

## Promotion of so-called traditional values

President Japarov has called for **increasing efforts to promote so-called traditional values** in Kyrgyzstan and, since his coming to power, there have been several initiatives to this end. A presidential decree from 29 January 2021 calls on state bodies to adopt measures aimed at promoting “traditional” values in the education system and other areas and recommends media outlets to “propagate the values of a traditional society, the ideals of the family, a healthy lifestyle, love for the Fatherland and service to the people.”<sup>52</sup> In follow-up to this decree, a government concept on spiritual and moral development was elaborated, and a government action plan for its implementation was presented in February 2022.<sup>53</sup> In July 2022, a draft national programme on the preservation and development of national traditions, elaborated by the presidential administration, was presented.<sup>54</sup>

Moreover, the new constitution, which entered into force in May 2021, features a provision that allows for restricting events that contradict “moral and ethical values” or “the public consciousness” of the people of the Kyrgyz Republic, without defining these concepts.

Civil society representatives fear that the efforts of the authorities to promote “traditional” values **might result in undue restrictions on fundamental freedoms** and undermine equality and non-discrimination, in violation of Kyrgyzstan’s international obligations.<sup>55</sup> Experts from the Adilet Legal Clinic stressed that vaguely worded concepts such as “moral and ethical values” or “the public consciousness” do not meet the requirements of the principle of legal certainty and might be arbitrarily interpreted. They also stressed that moral norms and traditions differ a lot within Kyrgyzstan’s multi-national population, and that there is not one set of values shared by all groups in the country.<sup>56</sup>

The enhanced efforts to promote “traditional” values are of particular concern given the fact that **policymakers and activists opposed to liberal principles often invoke the alleged defence of such values to justify restrictions and attack civil society actors** who advocate for universal human rights, including the rights of women and sexual minorities. For example, decision-makers advocating for tighter control over NGOs (see more in the chapter on freedom of association) have argued that NGOs organise “gay parades” and other activities that undermine “Kyrgyz values” and pose a threat to the state.<sup>57</sup> NGOs have protested against these types of unfounded, discrediting and stigmatising claims, noting that the true objective of the policymakers is to target NGOs that challenge violations, corruption and injustice.<sup>58</sup>

## Recommendations

The authorities of Kyrgyzstan should be requested to:

- Ensure a media environment in which both public and non-public media outlets, including those operating under the NTRK can carry out their work without undue interference and are not subjected to pressure in relation to their coverage of issues of public interest.
- Refrain from making hostile and stigmatising comments about civil society activists, journalists, bloggers and others who exercise their freedom of expression to speak out on issues of public concern; and publicly and unconditionally condemn both off- and online threats and attacks against such actors.
- Promptly, thoroughly and impartially investigate all cases of intimidation, harassment and attacks targeting civil society activists, journalists, bloggers and others who criticise the authorities and/or raise issues that are inconvenient to those in power; and hold those responsible to account.
- Ensure that no one is criminally charged, convicted or imprisoned in retaliation for their legitimate exercise of the freedom of expression and other fundamental freedoms, including through online platforms; and ensure that due process and fair trial standards are scrupulously upheld in any legal cases involving journalists, activists or other critical voices.
- Revise article 330 of the Criminal Code, which penalises “incitement” of hatred or discord, to ensure that is clearly and unambiguously worded and cannot be implemented to unduly restrict freedom of expression in violation of article 19 of the ICCPR.
- In accordance with the recommendations of media organisations and experts, revise the recently adopted Law on False Information to bring it in line with international standards and prevent it from being used to stifle legitimate free speech as protected by article 19 of the ICCPR.
- Refrain from exploiting the fight against disinformation to put pressure on social media users who post information critical of those in power or to block websites featuring such information.
- Prevent that defamation lawsuits are used as tools to intimidate and silence media and journalists, including by calling on public officials and ex-officials to refrain from such steps and by establishing an upper limit for damages awarded in any case.
- Ensure that efforts to promote so-called traditional values do not result in undue restrictions on freedom of expression or other fundamental freedoms or undermine equality and non-discrimination.

## Freedom of association and space for civil society organisations (CSOs) (ICCPR articles 22, 9, 14, 19, 21)

### Operating environment for CSOs

Kyrgyzstan’s current constitution, which entered into force in May 2021<sup>59</sup>, protects the right to freedom of association (article 36). According to the Law on Non-commercial Organisations (NCOs)<sup>60</sup>, the **state guarantees conditions for NCOs to carry out their statutory objectives and prohibits unlawful interference** into their operations by state bodies. NCOs may obtain legal status by registering with the

state authorities as public associations, foundations or institutions through a procedure, which is quick and simple. NCOs may also operate without legal status.

The civil society sector in Kyrgyzstan **remains vibrant**, with hundreds of NCOs carrying out activities in a range of different areas. However, it is of concern that there have been attempts in recent years to step up control over NCOs through **problematic legislative initiatives** and that the discussion surrounding these initiatives have **contributed to negative public attitudes toward CSOs**, especially human rights groups, and thereby a worsening operating environment for them. There have also been **cases of intimidation and harassment** of human rights groups. These issues are described in more detail below.

## **“Foreign agents” law initiative**

Draft legislation introducing changes to the Law on NCOs, which was first initiated by a group of MPs in September 2013 and reintroduced in May 2014<sup>61</sup>, **drew heavily on the notorious Russian “foreign agents” law**. It required NCOs to adopt the stigmatising label of “foreign agents” if they receive foreign funding and engage in broadly defined “political activities” and granted authorities new, broad powers to interfere in the internal affairs of NCOs. This draft legislation was widely criticised by civil society and international human rights bodies<sup>62</sup> as infringing the right to freedom of association and other fundamental rights guaranteed by national and international law. Finally, after first being significantly revised, it was **rejected by parliament** on third reading in May 2016.

However, although the draft legislation on “foreign agents” was rejected, the **rhetoric used by its proponents** during its consideration **fuelled mistrust and suspicion** toward CSOs. Moreover, there have been **attempts to re-initiate** it. Most recently, at a parliamentary session in February 2022, one of the MPs who put forward the previous draft legislation suggested resuming consideration of it. She argued that “foreign agents” legislation is needed to ensure “calm” in the country and claimed that “some foreign-funded NGOs do not leave the authorities alone because they themselves want to get into power”.<sup>63</sup> The parliament’s speaker subsequently instructed the secretariat of the law-making body to look into the MP’s proposal.<sup>64</sup> At the time of writing, there was no further information about the possible resumption of the consideration of the “foreign agents” law. However, concerns remain that decision-makers might seek to re-activate consideration of it.

Aside from decision-makers, **non-liberally oriented activists have also made renewed calls for the adoption of “foreign agents” legislation**, demanding that not only NGOs but also independent, foreign-funded media outlets be designated “foreign agents”.<sup>65</sup>

## **New financial reporting scheme for CSOs**

In another problematic initiative of MPs, in June 2021, parliament passed a set of amendments to the Law on NCOs and the Law on State Registration of Legal Entities, which were subsequently signed by the president.<sup>66</sup> These amendments introduced a **new unjustified and discriminatory financial reporting scheme for NCOs**.<sup>67</sup>

Although the new legislation directly affects CSOs, its adoption was **not preceded by any broad or inclusive consultation process** with NCOs. Due to Covid-19 related restrictions, only selected organisations were invited to a parliamentary committee hearing on the draft law held in May 2020.

The amendments require NCOs to annually prepare and submit a report about their sources of funding, their expenditures, as well as their acquisition and use of property for publication on the website of the state tax service. The failure of NCOs to comply with the new reporting obligations may result in serious penalties, including the closure of organisations.

The initiators argued that the new reporting scheme was needed to ensure transparency of NCOs. However, pre-existing legislation already required NCOs to regularly provide detailed information about their activities and finances to different state bodies. Thus, the new requirements further **increased the reporting burden of NCOs**, to the detriment of especially small organisations with limited staff and resources. The new requirements **only apply to NCOs**, not to religious associations, political parties, or commercial organisations.

There are also **fears that the new legislation might be used to put pressure on CSOs** which challenge public policies and seek accountability for human rights violations. These fears are strengthened by the fact that the proponents of the law have used similar arguments as those advocating for “foreign agents” legislation, thus accusing CSOs of threatening national security and undermining so-called traditional values because of their defence of fundamental rights.<sup>68</sup>

In addition to civil society representatives and foreign diplomats<sup>69</sup>, **international human rights experts have criticised the new provisions**. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the UN Special Rapporteur on the situation of human rights defenders concluded that the draft provisions “unnecessarily and disproportionately restrict the right to freedom of association” and “may have a significant and detrimental impact on the operations of all civil society organisations in Kyrgyzstan”.<sup>70</sup>

For months, there was **no clarity as to how the new reporting scheme would be implemented in practice** as the government was working on elaborating the details of the scheme. This caused uncertainty among CSOs. Finally, in March 2022, the government adopted implementing rules,<sup>71</sup> according to which NCOs should upload required information to the tax authorities’ website by 1 April every year, using a specifically designated form. The reporting form was made public only a few days before the first deadline, leaving little time for NCOs to complete it. In addition, the online reporting system turned out not to be ready for use. The government failed to prolong the reporting deadline, despite appeals by civil society groups and therefore **NCOs were – without their own fault – unable to meet it**. However, the tax authorities eventually agreed to accept printed versions of the reporting form due to the malfunctioning of the online system, and many organisations submitted it in this format. We are not aware of any cases to date in which NCOs would have been held accountable for failing to comply with the new reporting requirements.

## Intimidation and harassment of CSOs

In addition to being the target of stigmatising and discrediting statements made by decision-makers advocating for tightening control of NGOs, and their supporters, some CSOs have been subjected to acts of intimidation and harassment in relation to their engagement for human rights, justice and the rule of law. These acts include **attacks perpetrated by unknown perpetrators with impunity**, such as in the following cases:

- On 6 April 2019, there was a fire in the office of **Spektr** – a member of the NGO Coalition against Torture – in the city of Karakol. According to representatives of the organisation, the office appeared to have been searched by unknown individuals prior to the fire and they believed that the office had been deliberately set on fire. While no one was injured in the fire, it destroyed valuable documents belonging to Spektr. Police opened an investigation into the fire, but did not determine its cause nor identify those responsible.
- On 23 May 2019, a group of unidentified individuals who introduced themselves as members of the Youth Patriotic Movement burst into an event organised in Bishkek by the **NGO Coalition against Torture**. These individuals, holding cameras and voice recorders, aggressively demanded an end to the event, which was a working meeting for lawyers and attorneys with the participation of international experts. Meeting participants filmed the incident and the organisers filed a complaint with the police. However, the perpetrators were not identified or brought to justice.
- On 29 January 2020, the **Adilet Legal Clinic** organised a meeting for NGO representatives in Bishkek to discuss the draft legislation on the new financial reporting scheme for NCOs (see above). A group of unknown people forced their way into the hotel where the meeting was taking place and interrupted it.<sup>72</sup> Police opened an investigation on “hooliganism” into the incident but it is not known to have yielded any results.<sup>73</sup>

In other cases, authorities have obstructed the activities of CSOs. This is one recent example:

- The Central Electoral Commission (CEC) in Kyrgyzstan denied accreditation to the independent public foundation “**Kloop Media**” to monitor the parliamentary elections held on 28 November 2021. The CEC argued that the organisation’s statutes did not specify that it will engage in election monitoring activities, and thus allegedly did not meet a requirement set out in recent amendments to the CEC’s regulations on the registration of election observers.<sup>74</sup> IPHR and partners expressed concern that this decision appeared aimed at preventing Kloop from repeating its experience from previous elections of deploying large teams of monitors and documenting numerous violations.<sup>75</sup>

Kloop eventually deployed monitors through a different legal entity but reported additional obstruction. Two days before election day, YouTube deleted a Kyrgyz-language video providing instructions to monitors from the Kloop’s channel because it allegedly contained “harassment and bullying” and banned the organisation from posting anything for a week.<sup>76</sup> Kloop believed this to be the result of an orchestrated campaign of submitting unfounded complaints against it ahead of the elections. YouTube only restored the video and revoked the ban on 1 December, thus when the elections already had taken

place.<sup>77</sup> Using other channels, Kloop still managed to publish dozens of videos of violations that took place on election day.

It is of further concern that some **CSO representative have been subjected to criminal prosecution** because of their struggle for human rights, justice and the rule of law, such as in the following case:

- *Kamil Ruziev, head of the human rights NGO “Ventus”, was detained by security services in the city of Karakol in May 2020 and held for two days, during which time he reportedly was pressured to incriminate himself. He was subsequently transferred to house arrest, which was later replaced by other restrictions on his movement, which remained in force as his case was pending with court. Ruziev was charged with forgery of documents (under article 359 of the Criminal Code) for allegedly forging a medical certificate to extend the deadline for appealing the decision in a court case he was working on – charges which he dismissed. An expert assessment conducted as part of the proceedings also confirmed the genuineness of his medical certificate.<sup>78</sup> The hearing of Ruziev’s case was repeatedly postponed, and the case dragged on for almost two years before Karakol City Court finally issued a decision on 12 August 2022, acquitting him.<sup>79</sup> This decision was welcome. However, in late August 2022, the prosecution appealed the decision to a higher-level court, asking it to be overturned, as a result of which the legal proceedings in the case were set to continue. In addition, despite the acquittal, he remained subject to travel restrictions, as a result of which he was unable to travel abroad to undergo treatment for his health problems.<sup>80</sup>*

*The charges against Ruziev were brought in apparent retaliation for his efforts to ensure accountability for unlawful practices of security services. Prior to his detention, he had submitted several complaints against security service officials in cases involving allegations of torture and other human rights violations. He had also taken legal action against a former high-ranking security service official who had threatened to kill him, including at gunpoint, because of his efforts to hold the official accountable for torture and ill-treatment.<sup>81</sup> As called for by the UN Special Rapporteur on the situation of human rights defenders<sup>82</sup>, the authorities should effectively investigate the allegations of ill-treatment and threats against Ruziev and hold those responsible to account. They should also grant him compensation.*

Another issue of ongoing concern is **the lack of justice in the case of Azimjan Askarov**, leader of the independent human rights organisation *Vozdukh* (Air) who died in prison when serving an unfair sentence handed down in retaliation for his human rights work:

- *Despite reports about an alarming deterioration of Askarov’s health starting in mid-July 2020, and calls by his lawyers, family and colleagues for urgent interventions to protect his health, he was only hospitalised on 24 July 2020. The following morning, he died in the prison hospital.<sup>83</sup> According to the prison service, the defender died of pneumonia, known as a serious complication of Covid-19.<sup>84</sup> As late as the day before the defender’s passing, the prison service had insisted that Askarov was “doing well”.<sup>85</sup>*

*The authorities have to date failed to ensure an impartial and effective investigation into Askarov’s death. An investigation conducted by the prison service -- the same body that oversees the prison system within which the defender died -- was closed in May 2021 with the conclusion that no one could be held responsible for Askarov’s death, taken into account the challenging epidemiological situation in the country at the time of his passing and the surge in the Covid-19-related cases of pneumonia.<sup>86</sup> Following complaints submitted to court by the Bir Duino Human Rights Movement, the investigation was re-opened in September 2021 and responsibility for it was transferred to the State Committee for*

*National Security, which unlike the prison service did not directly oversee Askarov's treatment in prison. However, there are remaining concerns about the effectiveness and impartiality of the investigation.*

*The authorities have also continually failed to comply with the decision issued on Askarov's case by the Human Rights Committee in 2016, to grant compensation to his family for the rights violations he suffered, and to posthumously ensure his legal rehabilitation.*

*Askarov was arrested in connection with the inter-ethnic violence that took place in southern Kyrgyzstan in June 2010 and was convicted to life time prison for his alleged role in these events following an investigation and trial marred by due process and fair trial violations, as well as torture allegations. When arrested, he had been monitoring and documenting torture and other abuses for over a decade, and had recorded violence and looting in his home community during the inter-ethnic clashes.<sup>87</sup>*

## **Recommendations**

The authorities of Kyrgyzstan should be requested to:

- Refrain from re-initiating the problematic draft legislation on "foreign agents"; closely consult and cooperate with NCOs on the elaboration of any new legislation affecting them; and ensure that such legislation is consistent with Kyrgyzstan's obligations under the ICCPR.
- Ensure that the implementation of the recently adopted legislation introducing a new financial reporting scheme for NCOs does not hamper the activities of such organisations; and revise this scheme to ensure that it cannot be used to unduly restrict freedom of association as protected by article 22 of the ICCPR.
- Refrain from using negative and stigmatising language against human rights CSOs and their representatives; ensure that they are able to carry out their work without undue interference; and take effective measures to investigate all instances of intimidation and harassment of CSOs, including the cases described above, and to hold those responsible to account.
- Thoroughly and impartially investigate Kamil Ruziev's complaints about human rights violations involving law enforcement officials and bring to justice officials responsible for wrongdoing; grant him compensation for the violations to which he has been subjected; and allow him to carry out his human rights work without further harassment.
- Carry out an effective, independent and impartial investigation into the circumstances of Azimjan Askarov's death and hold accountable those responsible for failing to grant him access to life-saving medical care; grant compensation to his family for the rights violations he suffered in prison, in accordance with the UN Human Rights Committee decision in his case; and posthumously ensure his legal rehabilitation.

## Protection of the right to peacefully assemble (ICCPR articles 21 and 9, 14, 19, 22)

### Legal protection of the right to freedom of peaceful assembly

The 2012 Law on Peaceful Assemblies<sup>88</sup> protects the right to organise and hold peaceful assemblies without advance permission, instead **providing for a procedure of notifying authorities** about planned assemblies. The law **requires state authorities to facilitate and protect both planned and spontaneous peaceful assemblies**. Assemblies may only be banned if they are aimed at promoting certain unlawful objectives, such as propaganda of war and violence, and the time of place of assemblies may only be restricted in order to ensure the safety of the participants or other citizens. Authorities must request a court review of the lawfulness of any decisions to ban or restrict assemblies within 24 hours.

Kyrgyzstan's new constitution, which entered into force in May 2021, as previously features a provision protecting the right to freedom of peaceful assembly (article 39). This provision states that it is the right (rather than the obligation) of the organisers to notify authorities in advance and that organisers and participants shall not be liable for the failure to submit a notification or to meet technical requirements regarding the format, content or submission deadline of notifications. However, unlike the previous constitution, the current constitution **does not feature any specific wording about the impermissibility of prohibiting or restricting the conduct of peaceful assemblies** due to the lack of notification or non-compliance with notification requirements. CSOs have regretted the omission of this wording.<sup>89</sup>

### Court-imposed blanket bans

A problematic practice seen in Kyrgyzstan in recent years is that of **court-imposed blanket bans on protests**. Local courts have repeatedly issued decisions prohibiting peaceful assemblies in central areas of the capital Bishkek for several weeks a time. These decisions have been issued in response to requests made by local authorities based on vague arguments about the supposed threats caused by assemblies and have **not met the requirements for permissible restrictions on peaceful assemblies** set out by the national law or the ICCPR. For example, courts have argued that bans are needed to due to "increasing expressions of religious extremism" in the world, the risk of "traffic congestions" when many people gather in one place, and "disturbance" and "discontent" caused by assemblies among people who do not participate in them.<sup>90</sup> Typically exception from the bans has been made for state and municipal events, reflecting a discriminatory approach.

Recently local courts have issued **blanket bans aimed at preventing peaceful protests against Russia's war in Ukraine**, with police referring to these bans to justify the detentions of protesters (see more below). Thus, on 11 March 2022, Pervomaisky District Court in Bishkek sanctioned a decision by local authorities to impose a month-long ban on holding any assemblies outside the Russian embassy, as well as outside the presidential administration and parliament building, and on the central Ala-Too Square in the capital. According to the court ruling, the ban was issued **in response to an official note submitted to the authorities by the Russian embassy**, which called for measures to put a stop to rallies and other

public actions held outside its premises, as well as **complaints from local residents about the alleged noise and disturbance** caused by assemblies outside the embassy. Those wishing to hold assemblies outside the embassy or the other venues affected by the ban were instructed to instead gather at an alternative location, Gorky Park, which is not in the immediate vicinity of the embassy. The ruling was upheld on appeal by Bishkek City Court and the Supreme Court. Both civil society representatives and the Ombudsperson criticised the decision as being contrary to the constitution and the country's international obligations.<sup>91</sup>

Despite the criticism, **new, similar blanket bans were subsequently issued**. According to a press release issued by the Bishkek Department of the Ministry Interior<sup>92</sup>, several local courts sanctioned a decision of local authorities to ban all assemblies relating to the Russian-Ukrainian conflict in central districts of the capital from 1 April to 1 July 2022. No explanation for the ban was provided. Later, Pervomaisky District sanctioned a new decision of local authorities to prohibit peaceful assemblies outside the Russian embassy and at other nearby venues from 12 April to 1 September 2022. The court subsequently prolonged this ban until 1 December 2022.<sup>93</sup> The relevant court decisions were not made public, but according to available information, official events organised at Ala-Too Square were excepted from the court-imposed bans, while Gorky Park was designated as an alternative, permissible location for non-official assemblies. On the same day as the Ministry of Interior press release (mentioned above) appeared on 1 April 2022, President Japarov posted comments on social media saying that residents, if they wish can hold rallies in Gorky Park "24/7" and say "what they want." According to him: "We only have one request: leave embassies alone".<sup>94</sup>

## Violations of the rights of protesters

People in Kyrgyzstan **actively exercise their freedom of assembly**, holding peaceful protests on various social, economic and political issues both in the capital Bishkek and other parts of the country. Peaceful protests often take place without interference, but in some cases, law enforcement authorities have **failed to uphold the right to freedom of peaceful assembly**.

In several cases, police have **detained peaceful protesters with reference to problematic court-imposed blanket bans** on holding assemblies. These are two recent examples<sup>95</sup>:

- *With reference to the court sanctioned bans on assemblies relating to the Russian-Ukrainian conflict in the capital from 1 April to 1 July 2022 (see above), **police apprehended around 30 people** shortly after they arrived to Gorky Park for a planned peaceful protest march against Russia's actions in Ukraine on 2 April 2022. Police claimed that the detainees had "made a provocative attempt to march to the Russian embassy" and accused them of "disobeying police orders".<sup>96</sup> However, as visible on video recordings from the event, the detainees did not resist police and did not leave the park – to which the ban on assemblies did not extend, as pointed out by the president – until they were detained and taken to a local police station.<sup>97</sup> When the cases were heard by court on 3 April 2022, Pervomaisky District Court dismissed the charges against the detainees because of the lack of *corpus delicti*. Another peaceful rally held in Gorky Park on 2 April, in support of Russia's military intervention in Ukraine took place without interference by law enforcement authorities, which indicates that the court sanctioned ban was selectively implemented.*

- On 17 March 2022, police **detained human rights defenders Aziza Abdirasulova, Dinara Oshurakhunova and Ondurush Toktonasyrov** as they were peacefully protesting against the war in Ukraine outside the Russian embassy in Bishkek. Police claimed that the protest was not allowed given the court-imposed ban on assemblies outside the embassy issued on 11 March 2022 (see above). The defenders were taken to a local police station and held for several hours, in the course of which police protocols were drawn up against them on the alleged offenses of “petty hooliganism” and “disobeying police orders” (under Articles 126 and 128 of Kyrgyzstan’s Code of Offenses). Police reportedly accused the defenders of using foul language and urinating in the street.<sup>98</sup> When the cases against the defenders subsequently were heard by court, they were acquitted of the first charge but fined 3000 Kyrgyz soms each (approx. EUR 30) on the second charge. However, later the fines were overturned by court on appeal, and disciplinary measures were initiated against law enforcement officials because of their actions in this case.

In another worrying development, **lawyer Nurbek Toktakunov was also detained** in connection with the protest on 17 March and **subsequently penalised for his criticism of the court-sanctioned ban** on assemblies outside the embassy. In livestreamed comments from the protest, Toktakunov said that the ban was an unconstitutional restriction of freedom of peaceful assembly, that it was “not a decree for us” and that “judges in our country are no one at all”.<sup>99</sup> Because of these allegedly insulting remarks, on 24 March 2022, a local Bishkek court convicted Toktakunov of “petty hooliganism” (under Article 126 of the Code of Offenses) and ruled to detain him for five days. His appeal against the ruling was rejected.<sup>100</sup>

In other cases, police have failed to protect peaceful protesters against attacks by third party actors, such as in the following cases organised to protest against violence against women:

- On 15 April 2021, a peaceful rally against violence against women was held outside the building of the Ministry of Interior in Bishkek, prompted by the case of a young woman who had been abducted and murdered under circumstances causing widespread indignation. A large group of **aggressively behaving men assaulted the rally participants**: the men intimidated participants, shouted hateful comments at them, pushed them away and demanded an end to the rally. Police officers present made some feeble attempts to intervene, but **failed to take effective measures to curb the actions of the intruders**, whereby the participants in the women’s rights rally dispersed.<sup>101</sup> Some of the rally participants filed complaints with police concerning the actions of their assailants. However, we do not have any further information about the investigations into these complaints.
- On 8 March 2020, a group of **unknown perpetrators attacked a women’s rights march**, held in Bishkek on International Women’s Day. A group of men, many of whom were wearing masks, threw eggs at the march participants, destroyed their banners and posters and physically assaulted them. After police arrived, the crowd dispersed. However, **instead of seeking out the attackers, police detained several dozen march participants**. The detainees were not informed about the grounds for their detention nor granted access to legal assistance, and some of them reported being subjected to ill-treatment by police. Most of those detained were eventually released without charge, but a few were fined by court for allegedly disobeying the lawful orders of police.<sup>102</sup> Police called the march “an unsanctioned rally”, although national law does not require pre-approval of assemblies, and claimed that the police operation was aimed at “preventing the escalation of a brawl” between the rally participants and their

attackers.<sup>103</sup> Human rights groups condemned the actions of the police and several of the targeted activists filed legal complaints. A local court first ruled that the actions of the police during this event were lawful, but the Supreme Court overturned that decision in November 2020.<sup>104</sup> The fines imposed on march participants were repealed by court on appeal.

## Accountability for violence during October 2020 protests

The 4 October 2020 parliamentary elections, which were marred by irregularities and resulted in a landslide victory for pro-government parties, prompted mass protests by opposition members and supporters. What began as peaceful demonstrations in the capital Bishkek evolved into **clashes between protesters and law enforcement authorities** in the evening of 5 October when the latter resorted to force after an attempt by some protesters to break through the gates of the White House, the seat of the president and parliament. The clashes ended with groups of protesters seizing the White House and freeing high-profile political figures from prison. During the clashes, **one person died and hundreds were injured**, among whom were protesters, police and ambulance staff.<sup>105</sup>

In the days after the initial protests against the election results, **new rallies** took place in Bishkek. On 9 October 2020, **several people were injured** during scuffles, which broke out at Ala-Too Square between supporters of Sadyr Japarov – who rose to power during the crisis – and supporters of other political leaders, including former President Almazbek Atambayev.<sup>106</sup>

The exact circumstances of the October 2020 are still unclear. Human rights groups have called for thorough and impartial investigations into allegations of the excessive use of force by police, as well as the use of violence by non-state actors.<sup>107</sup> While the Kyrgyzstani authorities opened investigations into the October 2020 events, these were **undermined by concerns about lack of thoroughness and impartiality**, and opponents of Sadyr Japarov appeared to be selectively targeted for prosecution. Finally, in June 2022, seven political leaders and activists were acquitted on charges of mass riots initiated against them in relation to the October 2020 events.<sup>108</sup>

No investigation is known to have been opened into the allegations of excessive use of force by law enforcement authorities in connection with the post-election protests. The lack of accountability for attacks on journalists, who were covering the October 2020 protests, is also of serious concern (see more in the chapter on free speech).

## Recommendations

The authorities of Kyrgyzstan should be requested to:

- Uphold the constitutional guarantee of the right to freedom of peaceful assembly and ensure that any restrictions imposed on the conduct of assemblies are fully consistent with the requirements of international law.
- Refrain from seeking and imposing blanket bans on the conduct of assemblies based on vague and broad arguments, which are inconsistent with article 21 of the ICCPR.

- Carry out prompt, thorough and impartial investigations into any allegations of arbitrary detentions, ill-treatment and other violations of the rights of participants in peaceful protests by both representatives of the authorities and private actors and hold those responsible for violations to account.
- Carry out thorough and impartial investigations into allegations of excessive use of force by law enforcement officials, and of violence by non-state actors, in connection with the post-elections protests in October 2020 and bring those responsible for unlawful actions to justice in fair and transparent proceedings consistent with international standards.

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<sup>1</sup> The updates are available at: <https://monitor.civicus.org/country/kyrgyzstan/>

<sup>2</sup> This rating means that civic space is heavily contested by power holders, who impose a combination of legal and practical constraints on the full enjoyment of fundamental rights. See more at: <https://monitor.civicus.org/Ratings/#obstructed>

<sup>3</sup> See more in special update on the October 2020 crisis prepared by IPHR and LPF for the CIVICUS Monitor: <https://monitor.civicus.org/updates/2020/10/21/post-election-protests-plunge-kyrgyzstan-crisis/>

<sup>4</sup> The joint opinion is available at: [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2021\)007-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2021)007-e)

<sup>5</sup> See interview given by Japarov to Radio Azattyk on 15 March 2021: [https://rus.azattyk.org/a/sadyr-zhaporov-goneny-na-politikov-i-zhurnalistov-otnyne-ne-budet/31152016.html?fbclid=IwAR0RYDBhwin4ozvYVz\\_TrF8edB3kbuBhju5fE0fwYYy3wXhz1bfFbuwUyWU](https://rus.azattyk.org/a/sadyr-zhaporov-goneny-na-politikov-i-zhurnalistov-otnyne-ne-budet/31152016.html?fbclid=IwAR0RYDBhwin4ozvYVz_TrF8edB3kbuBhju5fE0fwYYy3wXhz1bfFbuwUyWU)

<sup>6</sup> For more information on this issue, see IPHR-LPF report on the human rights impact of the COVID-19 pandemic from July 2020: <https://www.iphronline.org/wp-content/uploads/2020/07/Covid-19-KYZ-final.pdf>; and regional overview from October 2020: <https://www.iphronline.org/wp-content/uploads/2020/10/Covid-19-CA-regional-report-final.pdf>

<sup>7</sup> Notification submitted by Kyrgyzstan under ICCPR article 4 (3), 30 March 2020: <https://treaties.un.org/doc/Publication/CN/2020/CN.129.2020-Eng.pdf>

<sup>8</sup> The law is available here: <http://cbd.minjust.gov.kg/act/view/ru-ru/112367>

<sup>9</sup> The decree is available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/434782>

<sup>10</sup> See more in IPHR-LPF update prepared for the CIVICUS Monitor, January 2022:

<https://monitor.civicus.org/updates/2022/01/31/ongoing-concerns-over-restrictions-free-speech-civic-engagement/>

<sup>11</sup> See, for example, “Кыргызстан: журналистам угрожают из-за критики реформы Конституции”, 28 November 2020: <https://acca.media/kyrgyzstan-zhurnalistam-ugrozhayut-iz-za-kritiki-reformy-konstituczii/>

<sup>12</sup> “Пожарная команда власти: как легко создать фабрику фейков в Кыргызстане”, 31 December 2020: <https://kloop.kg/blog/2020/12/31/pozharnaya-komanda-vlasti-kak-legko-sozdat-fabriku-fejkov-v-kyrgyzstane/>

<sup>13</sup> “Что Жапаров рассказал «Азаттыку»?”, 16 March 2021:

<https://kloop.kg/blog/2021/03/16/istochniki-na-vyplatu-dolga-kitayu-v-etom-godu-est-u-ssha-dvojnye-standarty-zhurnalistov-i-politikov-ne-presleduyut-cto-zhaporov-rasskazal-azattyku/>

<sup>14</sup> See “In Kyrgyzstan, social media hate goes unchecked”, 21 December 2020,

<https://www.opendemocracy.net/en/odr/kyrgyzstan-social-media-hate-goes-unchecked/>; and joint statement issued by media organisations in Kyrgyzstan in May 2021:

[https://kaktus.media/doc/437564\\_3\\_maia\\_vsemirnyy\\_den\\_svobody\\_pechati\\_obrashenie\\_mediasoobshestva\\_kyrgyzstana.html](https://kaktus.media/doc/437564_3_maia_vsemirnyy_den_svobody_pechati_obrashenie_mediasoobshestva_kyrgyzstana.html)

<sup>15</sup> For the most recent cases, see IPHR-LPF briefing paper from September 2021: <https://www.iphronline.org/wp-content/uploads/2021/09/KEY-CONCERNS-IN-KYRGYZSTAN-SEPT-2021.pdf>; and IPHR-LHR updates prepared for the CIVICUS Monitor since then: <https://monitor.civicus.org/updates/2021/09/20/restrictive-false-information-and-ngo-laws-adopted-intimidation-government-critics/>; <https://monitor.civicus.org/updates/2022/01/31/ongoing-concerns-over-restrictions-free-speech-civic-engagement/>; <https://monitor.civicus.org/updates/2022/05/18/restrictive-legislation-criminal-cases-against-media-bans-protests-ukraine/>

<sup>16</sup> See Facebook post by Klara Sooronkulova: <https://www.facebook.com/100001543883725/posts/4455763491151736/>; and “МВД занимается прослушкой. Политики и юристы обратились к президенту”, 31 August 2021:

[https://24.kg/vlast/205585\\_mvd\\_zanimaetsya\\_proslushkoj\\_politiki\\_i\\_yuristy\\_obratilis\\_kprezidentu/](https://24.kg/vlast/205585_mvd_zanimaetsya_proslushkoj_politiki_i_yuristy_obratilis_kprezidentu/)

<sup>17</sup> “Прослушка активистов. Омбудсмен обратился в Генпрокуратуру”, 7 October 2022:

[https://24.kg/obschestvo/209636\\_proslushka\\_aktivistov\\_ombudsmen\\_obratilsya\\_vgenprokuraturu/](https://24.kg/obschestvo/209636_proslushka_aktivistov_ombudsmen_obratilsya_vgenprokuraturu/)

<sup>18</sup> For more information, see joint statement issued by IPHR, Norwegian Helsinki Committee (NHC), Helsinki Foundation for Human Rights and Civil Rights Defenders, May 2022: <https://www.iphronline.org/kyrgyzstan-corruption-busting-journalist-facing-prison-after-new-punitive-charges.html>

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- <sup>19</sup> See more in the following IPHR-LPF update prepared for the CIVICUS Monitor:  
<https://monitor.civicus.org/updates/2020/05/27/civic-space-concerns-reinforced-covid-19-response/>
- <sup>20</sup> "По нападению на журналиста Болота Темирова суд вынес приговор", 31 January 2020:  
[https://kaktus.media/doc/428986\\_po\\_napadeniu\\_na\\_jurnalista\\_bolota\\_temirova\\_syd\\_vynes\\_prigovor.html](https://kaktus.media/doc/428986_po_napadeniu_na_jurnalista_bolota_temirova_syd_vynes_prigovor.html)
- <sup>21</sup> "ГКНБ возбудил дело в отношении кыргызстанского СМИ", 3 March 2022:  
[https://24.kg/proisshestvija/226254\\_situatsiya\\_vukraine\\_gknb\\_vozbudil\\_delo\\_votnoshenii\\_kyrgyzstanskogo\\_smi/](https://24.kg/proisshestvija/226254_situatsiya_vukraine_gknb_vozbudil_delo_votnoshenii_kyrgyzstanskogo_smi/)
- <sup>22</sup> "Верховный суд признал материалы Next TV экстремистскими", 26 July 2022:  
<https://kloop.kg/blog/2022/07/26/verhovnyj-sud-priznal-materialy-next-tv-ekstremistskimi-ravshan-dzheenbekov/>
- <sup>23</sup> "Дело директора Next TV Таалая Дуйшембиева передано в суд," 13 July 2022:  
<https://rus.azattyk.org/a/31941076.html>
- <sup>24</sup> See, for example, statements by the Committee to Protect Journalists, NHC and Ombudsperson at:  
<https://cpj.org/2022/03/kyrgyzstan-authorities-raid-broadcaster-next-tv-detain-director-over-ukraine-war-posts/>,  
<https://www.nhc.no/en/kyrgyzstan-end-crackdown-on-free-media/>,  
[https://ombudsman.kg/index.php?option=com\\_content&view=article&id=2802:the-ombudsman-of-the-kyrgyz-republic-calls-on-the-state-committee-for-national-security-of-the-kyrgyz-republic-and-the-judiciary-to-respect-the-freedom-of-the-media-guaranteed-by-the-constitution-of-the-kyrgyz-republic&catid=18&lang=ru&Itemid=330](https://ombudsman.kg/index.php?option=com_content&view=article&id=2802:the-ombudsman-of-the-kyrgyz-republic-calls-on-the-state-committee-for-national-security-of-the-kyrgyz-republic-and-the-judiciary-to-respect-the-freedom-of-the-media-guaranteed-by-the-constitution-of-the-kyrgyz-republic&catid=18&lang=ru&Itemid=330)
- <sup>25</sup> Available at: [https://www.facebook.com/polituznik/?ref=page\\_internal](https://www.facebook.com/polituznik/?ref=page_internal)
- <sup>26</sup> Available at: <https://www.facebook.com/polituznik/videos/624808709286537/>
- <sup>27</sup> "Kyrgyzstan: 19-year-old blogger arrested as president targets 'fake patriots'", 18 August 2022: <https://eurasianet.org/kyrgyzstan-19-year-old-blogger-arrested-as-president-targets-fake-patriots>
- <sup>28</sup> See Japarov's Facebook post at:  
<https://www.facebook.com/japarov.sadyr/posts/pfbid0RjN3G4NE8nv58VjEo9YaVuyufmURsCizLxLjdpos6LjJTUPyMmZRPXSWpik2y34vI>
- <sup>29</sup> See the previous note.
- <sup>30</sup> "Активиста Ырыса Жекшеналиева водворили в Бишкекский СИЗО-1", 16 August 2022:  
[https://24.kg/proisshestvija/242511\\_aktivista\\_yiryisa\\_jekshenalieva\\_vodvorili\\_vbishkekский\\_sizo-1/](https://24.kg/proisshestvija/242511_aktivista_yiryisa_jekshenalieva_vodvorili_vbishkekский_sizo-1/)
- <sup>31</sup> See his statement from detention posted at: <https://www.facebook.com/polituznik/posts/599114448499701>
- <sup>32</sup> See statement issued by the Media Policy Institute at: <http://media.kg/news/institut-media-polisi-prizyvaem-vlasti-prekratit-borbu-s-inakomyslyashimi-putem-primeneniya-krajnih-mer-v-vide-ugolovnogogo-presledovaniya-i-soderzhaniya-pod-strazhej/>; and post by lawyer Saniya Toktogazieva at:  
<https://www.facebook.com/saniya.toktogazieva/posts/10160237945173750>
- <sup>33</sup> See more in IPHR-LPF update prepared for the CIVICUS Monitor, May 2022:  
<https://monitor.civicus.org/updates/2022/05/18/restrictive-legislation-criminal-cases-against-media-bans-protests-ukraine/>
- <sup>34</sup> Kaktus.media update, 19 May 2022: <https://kaktus.media/460201>
- <sup>35</sup> See recent examples in IPHR-LPF briefing paper from September 2021; <https://www.iphronline.org/wp-content/uploads/2021/09/KEY-CONCERNS-IN-KYRGYZSTAN-SEPT-2021.pdf>
- <sup>36</sup> See special IPHR-LPF update on the October 2020 crisis prepared for the CIVICUS Monitor:  
<https://monitor.civicus.org/updates/2020/10/21/post-election-protests-plunge-kyrgyzstan-crisis/>
- <sup>37</sup> See <https://twitter.com/AKozhomuratov/status/1313166672161918976>
- <sup>38</sup> See more in IPHR-LPF update prepared for CIVICUS Monitor, February 2021:  
<https://monitor.civicus.org/updates/2021/02/25/civil-society-flags-threats-democracy-human-rights-and-rule-law-during-transition-period/>
- <sup>39</sup> The text of the law (in Kyrgyz and Russian) is available at:  
[http://www.president.kg/ru/sobytiya/20377\\_podpisan\\_zakon\\_kirgizskoy\\_respubliki\\_zakon\\_krozashite\\_otnedostovernoy\\_loghnoy\\_informacii](http://www.president.kg/ru/sobytiya/20377_podpisan_zakon_kirgizskoy_respubliki_zakon_krozashite_otnedostovernoy_loghnoy_informacii)
- <sup>40</sup> See, for example, analysis carried out by the Media Policy Institute: <http://media.kg/news/analiz-k-proektu-zakona-kyrgyzskoj-respubliki-o-zashite-ot-lozhnoj-i-nedostovernoj-informaczii/>
- <sup>41</sup> Available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/159117>
- <sup>42</sup> See more in analysis of the draft implementing regulations by the Adilet Legal Clinic: <https://adilet.kg/ky/tpost/murndroty1-analiz-proekta-postanovleniya-kabinetam>
- <sup>43</sup> See more at: [https://24.kg/obschestvo/243346\\_zakon\\_ofeykah\\_protiv\\_smi\\_vkyrgyzstane\\_pyitalis\\_zablokirovat\\_sayt\\_24kg/](https://24.kg/obschestvo/243346_zakon_ofeykah_protiv_smi_vkyrgyzstane_pyitalis_zablokirovat_sayt_24kg/);  
<https://www.facebook.com/stranakotoroinet/posts/pfbid0KGLnoiRL587roQ4foB5s3LX3Hb7SQsBMxcVJ7TtjpZFNjFsZu4T3iPNBrLXMkkjhl>
- <sup>44</sup> See <https://kloop.kg/blog/2022/08/26/zakon-o-fejkah-presleduet-imenno-nezavisimye-smi-institut-media-polisi-o-blokirovke-24kg/>
- <sup>45</sup> See <https://respublica.kg/2022/07/22/nash-sajt-respublica-kg-zablokirovali-na-territorii-kyrgyzstana/>
- <sup>46</sup> See more in IPHR-LPF briefing paper from May 2020: <https://www.iphronline.org/wp-content/uploads/2020/05/IPHR-LPF-briefing-paper-on-Kyrgyzstan-May-2020.pdf>

- <sup>47</sup> "Райымбек Матраимов отказался от претензий к журналистам и просит отозвать иски", 23 April 2021, [https://24.kg/obschestvo/191317\\_rayymbek\\_matraimov\\_otkazalsya\\_otpretenziy\\_kjurnalistam\\_iprosit\\_otozvat\\_iski/](https://24.kg/obschestvo/191317_rayymbek_matraimov_otkazalsya_otpretenziy_kjurnalistam_iprosit_otozvat_iski/)
- <sup>48</sup> See IPHR-LPF update prepared for the CIVICUS Monitor, February 2021: <https://monitor.civicus.org/updates/2021/02/25/civil-society-flags-threats-democracy-human-rights-and-rule-law-during-transition-period/>
- <sup>49</sup> "Это профилактика. Глава МВД пояснил, почему допрашивают пользователей соцсетей", 18 July 2022: [https://24.kg/vlast/239868\\_eto\\_profilaktika\\_glava\\_mvd\\_poyasnil\\_pochemu\\_doprashivayut\\_polzovateley\\_sotssetey/](https://24.kg/vlast/239868_eto_profilaktika_glava_mvd_poyasnil_pochemu_doprashivayut_polzovateley_sotssetey/)
- <sup>50</sup> «Написал критику - вызвали на допрос», 27 June 2022: <https://rus.azattyk.org/a/31916455.html>
- <sup>51</sup> Other bloggers who recently have faced criminal charges because of social media posts include Adilet Ali Myktybek and Aizhana Myrsalieva. More information about their cases is available here: [https://24.kg/obschestvo/238837\\_iz-za\\_publikatsii\\_vsotssetyah\\_adilet\\_ali\\_myktyibek\\_rasskazal\\_zachto\\_ego\\_zaderjali/](https://24.kg/obschestvo/238837_iz-za_publikatsii_vsotssetyah_adilet_ali_myktyibek_rasskazal_zachto_ego_zaderjali/); and <https://factcheck.kg/razzhigala-li-ajzhan-myrsalieva-mezhnacjonalnyu-rozn-faktchek/>
- <sup>52</sup> The decree is available (in Russian) at: [http://www.president.kg/ru/sobytiya/ukazy/18509\\_ukaz\\_prezidenta\\_sadira\\_ghaparova\\_oduhovno\\_nravstvennom\\_razvitii\\_ifizicheskogo\\_vospitaniya\\_lichnosti](http://www.president.kg/ru/sobytiya/ukazy/18509_ukaz_prezidenta_sadira_ghaparova_oduhovno_nravstvennom_razvitii_ifizicheskogo_vospitaniya_lichnosti)
- <sup>53</sup> See [http://www.president.kg/ru/sobytiya/20167\\_utverghdena\\_koncepciya\\_oduhovno\\_nravstvennom\\_razvitii\\_ifizicheskogo\\_vospitaniya\\_lichnosti](http://www.president.kg/ru/sobytiya/20167_utverghdena_koncepciya_oduhovno_nravstvennom_razvitii_ifizicheskogo_vospitaniya_lichnosti), [http://president.kg/ru/sobytiya/21903\\_v\\_bishkeke\\_prezentovali\\_plan\\_meropriyatij\\_po\\_realizacii\\_koncepcii\\_duhovno\\_nravstvennog\\_razvitiya\\_i\\_fizicheskogo\\_vospitaniya\\_lichnosti](http://president.kg/ru/sobytiya/21903_v_bishkeke_prezentovali_plan_meropriyatij_po_realizacii_koncepcii_duhovno_nravstvennog_razvitiya_i_fizicheskogo_vospitaniya_lichnosti)
- <sup>54</sup> See more at <https://24.kg/vlast/240870/>
- <sup>55</sup> Coalition for Equality, "Анализ Указа Президента «О духовно-нравственном развитии и физическом воспитании личности»", 10 February 2021, <https://equality.kg/2021/02/10/%D0%B0%D0%BD%D0%B0%D0%BB%D0%B8%D0%B7-%D1%83%D0%BA%D0%B0%D0%B7%D0%B0-%D0%BF%D1%80%D0%B5%D0%B7%D0%B8%D0%B4%D0%B5%D0%BD%D1%82%D0%B0-%D0%BE-%D0%B4%D1%83%D1%85%D0%BE%D0%B2%D0%BD%D0%BE-%D0%BD%D1%80/>
- <sup>56</sup> Adilet analysis from 12 February 2021 at: [https://docviewer.yandex.ru/view/0/?page=4&\\*=LH3DJWY2woS%2BjAdLiq1BlraAZtN7InVybcI6InlhLWRpc2stcHVibGJjOi8vK094czBvMlI4b0VSNGNUtXFDK21BNG5jK3pvUWx1Nit1aHFVK29hVjZEUUR0UU5lV2xrMVICSgtQbHplSudkZHRGUDZnd2JqdnRhYWZUcHRjdWE0U0E9PSlslRpdGxlljoiQW5hbGl6X3Byb2VrdGFfS19maW5hbF8xMl8wMl8yMS5kb2N4Iiwibm9pZnJhbWU0OmZhbnHNlCj1aWQ0iOilwliwidHMiOjE2MTMwNTAyNjQxNzQslnl1ljoInEzEzMTc5MjE1MTYxMzA1MDI2NCJ9](https://docviewer.yandex.ru/view/0/?page=4&*=LH3DJWY2woS%2BjAdLiq1BlraAZtN7InVybcI6InlhLWRpc2stcHVibGJjOi8vK094czBvMlI4b0VSNGNUtXFDK21BNG5jK3pvUWx1Nit1aHFVK29hVjZEUUR0UU5lV2xrMVICSgtQbHplSudkZHRGUDZnd2JqdnRhYWZUcHRjdWE0U0E9PSlslRpdGxlljoiQW5hbGl6X3Byb2VrdGFfS19maW5hbF8xMl8wMl8yMS5kb2N4Iiwibm9pZnJhbWU0OmZhbnHNlCj1aWQ0iOilwliwidHMiOjE2MTMwNTAyNjQxNzQslnl1ljoInEzEzMTc5MjE1MTYxMzA1MDI2NCJ9)
- <sup>57</sup> Such arguments were made by two MPS during a parliamentary session in March 2021. See "«Они растопчут кыргызские ценности и уничтожат наше государство». Депутаты Атазов и Райымкулов требуют ограничить работу НКО", 11 March 2021: <http://media.kg/news/oni-rastopchut-kyrgyzskie-czennosti-i-unichtozhat-nashe-gosudarstvo-deputaty-atazov-i-rajymkulov-trebuyut-ogranichit-rabotu-nko/>
- <sup>58</sup> See joint NGO statement issued in June 2020 at: <http://media.kg/news/obrashhenie-180-nko/>
- <sup>59</sup> Available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/112213?cl=ru-ru>
- <sup>60</sup> Available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/274>
- <sup>61</sup> See more in the following appeals issued by IPHR and other members of the Civic Solidarity Platform (CSP): <http://iphronline.org/kyrgyzstan-csp-appeal-20130918.html>, <http://iphronline.org/kyrgyzstan-reject-foreign-agents-bill-in-plenary-20150526.html>
- <sup>62</sup> See, for example, opinion adopted by the Venice Commission of the European Parliament and the OSCE ODIHR: <http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282013%29030-e>
- <sup>63</sup> See media reports about her initiative at: [https://24.kg/vlast/223480\\_nadira\\_narmatova\\_predlagaet\\_prinyat\\_zakon\\_obinostrannyih\\_agentah/](https://24.kg/vlast/223480_nadira_narmatova_predlagaet_prinyat_zakon_obinostrannyih_agentah/), <https://kloop.kg/blog/2022/02/10/zapret-pryamyh-efirov-i-podderzhka-zheenbekova-chem-izvestna-deputatka-narmatova-trebuyushhaya-prinyat-zakon-ob-inoagentah/>
- <sup>64</sup> "Законопроект об «иноагентах»: Спикер парламента поручил рассмотреть инициативу о повторном обсуждении документа", 17 February 2022: <https://kloop.kg/blog/2022/02/17/zakonoproekt-ob-inoagentah-spiker-parlamenta-poruchil-rassmotret-initsiativu-o-povtornom-obsuzhdenii-dokumenta/>
- <sup>65</sup> For example, such calls were voiced at a press conference in Bishkek in February 2022: <https://kloop.kg/blog/2022/02/09/pro-government-activists-in-kyrgyzstan-call-for-foreign-agent-law-targeting-occrp-partners/>
- <sup>66</sup> The text of the legislation is available (in Russian) at: [https://base.spinform.ru/show\\_doc.fwx?rgn=133231](https://base.spinform.ru/show_doc.fwx?rgn=133231)
- <sup>67</sup> See more in joint statement issued by IPHR and the Coalition against Torture, July 2021: <https://www.iphronline.org/kyrgyzstan-ensure-that-new-legislation-does-not-impede-ngo-activity.html>

<sup>68</sup> See, for example: <http://media.kg/news/oni-rastopchut-kyrgyzskie-czennosti-i-unichtozhat-nashe-gosudarstvo-deputaty-atazov-i-rajymkulov-trebuyut-ogranichit-rabotu-nko/>

<sup>69</sup> See, for example, joint appeal by 180 180 Kyrgyzstani NGOs from June 2020: <http://media.kg/news/obrashhenie-180-nko/>

<sup>70</sup> Letter to the government of Kyrgyzstan, dated 6 March 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25115>

<sup>71</sup> Available (in Russian) at: <https://www.gov.kg/ru/npa/s/3720>

<sup>72</sup> "Неизвестные попытались сорвать круглый стол о законопроекте об НКО", 29 January 2021: <https://kloop.kg/blog/2020/01/29/neizvestnye-popytalis-sorvat-kruglyj-stol-o-zakonoproekte-ob-nko/>

<sup>73</sup> "Чолпон Джакупова написала заявление на провокаторов, пытавшихся сорвать круглый стол", 2 February 2021: [https://kaktus.media/doc/405195\\_cholpon\\_djakupova\\_napisala\\_zaiavlenie\\_na\\_provokatorov\\_pytavshihsia\\_sorvat\\_kryglyy\\_stol.html](https://kaktus.media/doc/405195_cholpon_djakupova_napisala_zaiavlenie_na_provokatorov_pytavshihsia_sorvat_kryglyy_stol.html)

<sup>74</sup> "ЦИК отказала «Клоопу» в наблюдении за парламентскими выборами", 8 November 2021: <https://kloop.kg/blog/2021/11/08/srochno-tsik-otkazala-kloopu-v-nablyudenii-za-parlamentskimi-vyborami/>

<sup>75</sup> See IPHR statement, 10 November 2021: <https://www.iphronline.org/kyrgyzstan-kloop-denied-accreditation-to-monitor-elections.html>

<sup>76</sup> See Kloop statement, 27 November 2021: <https://kloop.kg/blog/2021/11/27/statement-from-kloop-an-independent-media-outlet-from-kyrgyzstan-youtube-must-immediately-restore-our-deleted-video-and-lift-all-the-limitations-imposed-on-our-channel/>

<sup>77</sup> Kloop statement, 3 December 2021: <https://kloop.kg/blog/2021/12/03/statement-from-kloop-an-independent-media-outlet-from-kyrgyzstan-youtube-has-restored-access-to-our-channel-but-we-still-demand-explanation-and-apologies/>

<sup>78</sup> For more detailed information, see the following IPHR-LPF briefing paper: <https://www.iphronline.org/wp-content/uploads/2021/09/KEY-CONCERNS-IN-KYRGYZSTAN-SEPT-2021.pdf>

<sup>79</sup> <https://oqbura.org/?p=2959>

<sup>80</sup> "Дело Камиля Рузиева. ГКНБ отказал снять ограничения на передвижение", 10 September 2022: [https://24.kg/obschestvo/244522\\_delo\\_kamilya\\_ruzieva\\_gknb\\_otkazal\\_snyat\\_ogranicheniya\\_naperedvijenie\\_advokata/](https://24.kg/obschestvo/244522_delo_kamilya_ruzieva_gknb_otkazal_snyat_ogranicheniya_naperedvijenie_advokata/)

<sup>81</sup> For more information, see joint statement by the Association for Human Rights in Central Asia, CRD, IPHR, NHC and School of Law, 12 June 2020: <https://www.iphronline.org/kyrgyzstan-drop-charges-against-human-rights-defender.html>

<sup>82</sup> See PR from 2 November 2021: <https://www.ohchr.org/en/press-releases/2021/11/kyrgyzstan-investigate-death-threats-against-human-rights-defender-un-expert>

<sup>83</sup> For more detailed information, see the following IPHR-LPF briefing paper: <https://www.iphronline.org/wp-content/uploads/2021/09/KEY-CONCERNS-IN-KYRGYZSTAN-SEPT-2021.pdf>

<sup>84</sup> "В ГСИН признали, что у скончавшегося правозащитника Аскарова была пневмония. Накануне служба настаивала, что у него «хорошее здоровье», 25 July 2020, <https://kloop.kg/blog/2020/07/25/v-gsin-priznali-cto-u-skonchavshegosya-pravozashhitnika-askarova-byla-pnevmoniya-nakanune-sluzhba-nastaivala-cto-u-nego-horoshee-zdorove/>

<sup>85</sup> "Азимжан Аскарков болен, почти не ест и не ходит самостоятельно — адвокат", 24 July 2020, <https://kloop.kg/blog/2020/07/24/azimzhan-askarov-bolen-pochti-ne-est-i-ne-hodit-samostoyatelno-advokat/>

<sup>86</sup> Human Rights Watch, "Kyrgyzstan: Azimjon Askarov's Family Awaits Justice", 8 July 2021, <https://www.hrw.org/news/2021/07/08/kyrgyzstan-azimjon-askarovs-family-awaits-justice>

<sup>87</sup> See more background information about Askarov's case in the following IPHR article: <https://www.iphronline.org/human-rights-defender-azimjon-askarov-arrested-ten-years-ago-today.html>

<sup>88</sup> Available (in Russian) at: <http://cbd.minjust.gov.kg/act/view/ru-ru/203664?cl=ru-ru>

<sup>89</sup> See, for example, par. 42 of analysis of draft constitution by the Adilet Legal Clinic, February 2021: [https://docviewer.yandex.ru/view/0/?page=4&\\*=LH3DJWY2woS%2BjAdLiq1BraAZtN7InVybcI6InlhLWRpc2stcHVibGljOi8vK094czBvMlI4b0VSNGNUtXFDK21BNG5jK3pvUWx1Nit1aHFVK29hvJZEZUR0UU5IV2xrMVICSGtQbHplSUdKZHRGUDZnd2JqdRnYhWZUcHRjdWE0U0E9PSIsInRpdGxlljoiQW5hbGl6X3Byb2VrdGFfs19maW5hbF8xMI8wMI8yMS5kb2N4Iiwibm9pZnJhbWUjOmZhbnHNLlCj9aWQjOiIiwliwidHMjOjE2MTMwNTAyNjQxNzQsInl1IjoiNzEzMTc5MjE1MTYxMzA1MDI2NCJ9](https://docviewer.yandex.ru/view/0/?page=4&*=LH3DJWY2woS%2BjAdLiq1BraAZtN7InVybcI6InlhLWRpc2stcHVibGljOi8vK094czBvMlI4b0VSNGNUtXFDK21BNG5jK3pvUWx1Nit1aHFVK29hvJZEZUR0UU5IV2xrMVICSGtQbHplSUdKZHRGUDZnd2JqdRnYhWZUcHRjdWE0U0E9PSIsInRpdGxlljoiQW5hbGl6X3Byb2VrdGFfs19maW5hbF8xMI8wMI8yMS5kb2N4Iiwibm9pZnJhbWUjOmZhbnHNLlCj9aWQjOiIiwliwidHMjOjE2MTMwNTAyNjQxNzQsInl1IjoiNzEzMTc5MjE1MTYxMzA1MDI2NCJ9)

<sup>90</sup> See more on these and other arguments invoked by courts when issuing blanket bans in the following IPHR-LPF updates prepared for the CIVICUS Monitor: <https://monitor.civicus.org/updates/2020/02/06/corruption-findings-result-pressure-media-intimidation-activists-and-civil-society-protest/>, <https://monitor.civicus.org/updates/2019/10/31/kyrgyzstan-journalists-and-media-face-threats-attacks-ex-president-arrested/>, <https://monitor.civicus.org/updates/2017/12/21/kyrgyzstan-will-new-president-break-his-predecessors-troubling-human-rights-legacy/>

<sup>91</sup> See more in IPHR-LPF update for the CIVICUS Monitor, May 2022: <https://monitor.civicus.org/updates/2022/05/18/restrictive-legislation-criminal-cases-against-media-bans-protests-ukraine/>

<sup>92</sup> The PR is available at: [https://www.facebook.com/permalink.php?story\\_fbid=1060192354708782&id=375813536480004](https://www.facebook.com/permalink.php?story_fbid=1060192354708782&id=375813536480004)

<sup>93</sup> "В Бишкеке продлили запрет на проведение митингов до 1 декабря", 5 September 2022: <https://kloop.kg/blog/2022/09/05/v-bishkeke-prodlili-zapret-na-provedenie-mitingov-do-1-dekabrya/>

<sup>94</sup> [https://www.instagram.com/p/Cb0Q9mXMVmc/?utm\\_medium=copy\\_link](https://www.instagram.com/p/Cb0Q9mXMVmc/?utm_medium=copy_link)

<sup>95</sup> For more information, see IPHR-LPF update for the CIVICUS Monitor from May 2022: <https://monitor.civicus.org/updates/2022/05/18/restrictive-legislation-criminal-cases-against-media-bans-protests-ukraine/>

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<sup>96</sup> From PR of Bishkek's Department of Interior, as quoted in 24.kg article:

[https://24.kg/proisshestviya/229517\\_guvsd\\_bishkeka\\_nazvalo\\_prichinu\\_zaderjaniya\\_mitinguyuschih\\_vpodderjku\\_ukrainiyi/](https://24.kg/proisshestviya/229517_guvsd_bishkeka_nazvalo_prichinu_zaderjaniya_mitinguyuschih_vpodderjku_ukrainiyi/)

<sup>97</sup> As covered by Kloop 3 April 2022: <https://kloop.kg/blog/2022/04/03/vseh-uchastnikov-mitinga-protiv-putinizma-opravdali-iz-zatsutstviya-sostava-pravonarusheniya/>

<sup>98</sup> See FIDH appeal, 25 March 2022: <https://www.fidh.org/en/issues/human-rights-defenders/kyrgyzstan-arrest-and-judicial-harassment-of-three-anti-war>

<sup>99</sup> Available at: <https://www.facebook.com/toktakunov/videos/1026038348013704/>

<sup>100</sup> See more in IPHR statement, 26 March 2022: <https://www.iphronline.org/kyrgyzstan-release-wrongfully-detained-lawyer.html>

<sup>101</sup> See more in IPHR-LPF update for the CIVICUS Monitor, May 2021: <https://monitor.civicus.org/updates/2021/05/24/worsening-climate-free-speech-spate-threats-and-attacks-against-journalists-and-activists/>

<sup>102</sup> See more in IPHR-LPF update for the CIVICUS Monitor, May 2020: <https://monitor.civicus.org/updates/2020/05/27/civic-space-concerns-reinforced-covid-19-response/>

<sup>103</sup> PR issued by the police department of the Sverdlovsk district of Bishkek on 9 March 2020, available at:

[https://kaktus.media/doc/407557\\_yvd:\\_shesteryh\\_ychastnic\\_marsha\\_v\\_chest\\_8\\_marta\\_oshtrafovali.html](https://kaktus.media/doc/407557_yvd:_shesteryh_ychastnic_marsha_v_chest_8_marta_oshtrafovali.html)

<sup>104</sup> See more in IPHR-LPF update for the CIVICUS Monitor, February 2021: <https://monitor.civicus.org/updates/2021/02/25/civil-society-flags-threats-democracy-human-rights-and-rule-law-during-transition-period/>

<sup>105</sup> See more in special IPHR-LPF update on the October 2020 crisis prepared for the CIVICUS Monitor:

<https://monitor.civicus.org/updates/2020/10/21/post-election-protests-plunge-kyrgyzstan-crisis/>

<sup>106</sup> See the previous footnote.

<sup>107</sup> See, for example, joint appeal issued by IPHR and more than 30 other CSP members, 9 October 2020:

<https://www.iphronline.org/kyrgyzstan-civil-society-appeals-for-dialogue-respect-for-human-rights-and-the-rule-of-law-in-the-current-times-of-turmoil.html>

<sup>108</sup> "Суд оправдал бывшего президента Кыргызстана Алмазбека Атамбаева и других фигурантов дела о массовых беспорядках в октябре 2020 года", 28 June 2022:

<https://www.currenttime.tv/a/kyrgyzstan-atambaev-sud/31919731.html>