
KEY TRENDS IN THE PROTECTION OF FUNDAMENTAL RIGHTS IN KYRGYZSTAN

**BRIEFING PAPER FOR EU-KYRGYZSTAN HUMAN
RIGHTS DIALOGUE, SEPTEMBER 2021**

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 is a briefing paper prepared as input for the EU-Kyrgyzstan Human Rights Dialogue in September 2021. It covers key concerns with respect to major legal-political developments since the October 2020 crisis in Kyrgyzstan, as well as the protection of the freedoms of expression, association and peaceful assembly in the country. It features descriptions of individual cases that illustrate the broader trends described and provides recommendations to the authorities of Kyrgyzstan. It has been prepared by International Partnership for Human Rights (IPHR) and Legal Prosperity Foundation (LPF) as part of their ongoing cooperation on monitoring and documentation of developments relating to fundamental rights and freedoms in Kyrgyzstan.

SUMMARY

In an alarming trend, civic space has recently narrowed in Kyrgyzstan and those standing up for human rights, justice and the rule of law in the country have increasingly been subjected to pressure. This trend has been reinforced following the October 2020 political crisis, which saw the rise to power of Sadyr Japarov, who was subsequently elected president in January 2021.

Major legal and political developments since the October 2020 crisis are highly worrying in the light of human rights, democratic governance and the rule of law. Following the crisis, the authorities pushed through a new controversial constitution, which grants the president excessively broad powers without an effective system of checks and balances, thereby paving the way for increasingly authoritarian rule.

President Japarov has also initiated a wide-ranging inventory of the country's legal framework, which is currently being carried out in a rushed fashion, with observers warning that hundreds of laws are being hastily examined without sufficient time for comprehensive expert reviews and consultations. An extensive reform of the country's criminal law has likewise been implemented in a hurried manner, leaving no time for thorough discussions or assessments of the human rights impact of this reform, which threaten to wipe out progress achieved in recent years.

In addition, the current caretaker parliament, whose legitimacy has been questioned since it has remained in office for months beyond its elected term, has passed several new laws imposing excessive restrictions on fundamental rights in non-transparent processes characterised by the lack of inclusive consultations. A new law, argued to aimed at preventing disinformation, allows anyone claiming to have been defamed to demand the deletion of online content and the arbitrary blocking of web sites and pages allegedly publishing false information. Media watchdogs have raised the alarm that this law might be used to censor and silence online resources critical of those in power. Another law introduces new unjustified, burdensome and discriminatory financial reporting obligations for NGOs. Civil society groups fear that it might be used to obstruct the activities of organisations who challenge public policies and seek accountability for corruption and human rights violations. The proponents of the law have sought to discredit and stigmatise NGOs by accusing them of threatening national security and undermining so-

called traditional values – the promotion of which President Japarov has made a government priority. A draft trade union law, which has been criticised for restricting independent labour union activity in violation of international standards, currently remains under consideration.

President Japarov has insisted that there will be no politically motivated persecution under his rule. However, recent months have seen a growing number of cases of intimidation and harassment of civil society activists, journalists and others who have criticised, opposed and challenged the new constitution and other policies of the current authorities. Outspoken individuals have been held under surveillance, summoned, questioned and detained by law enforcement authorities, with some of them being criminally prosecuted in apparent retaliation for their critical views. Activists and journalists critical of the government have also increasingly faced online threats, originating from both so-called social media trolls using fake accounts and from real government supporters. Those in power, including President Japarov have failed to unequivocally condemn online harassment, and no effective measures have been taken to investigate such incidents, resulting in a climate of impunity for the perpetrators.

To date, there has been no comprehensive, impartial investigation into the use of violence in connection with the mass post-election protests in October 2020, when hundreds of people were injured during clashes between protesters and law enforcement authorities, as well as subsequent scuffles between the supporters of Sadyr Japarov and those of other political leaders. While a number of people have been criminally charged in relation to these events, vocal critics of Japarov appear to have been selectively targeted for prosecution, and no one has been held responsible for the alleged excessive use of police force against protesters or documented attacks on journalists perpetrated by both police officers and private individuals in connection with the post-election protests. The concerns about the lack of impartiality of the investigation into the October 2020 events were further reinforced by the recent revelations that law enforcement authorities, as part of the investigation, wiretapped dozens of opposition politicians, civil society activists, lawyers and human rights defenders who have prominently criticised the new constitution and other initiatives of the current authorities.

In the post-election period, citizens have continued to actively exercise their freedom of assembly, staging peaceful protests on various social, economic and political issues, with most protests taking place without interference. However, a number of activists prominently involved in peaceful protests against the controversial new constitution and other perceived threats to the rule of law in the country have been subjected to intimidation and harassment by law enforcement authorities. In some cases, law enforcement authorities have failed to uphold the right to freedom of assembly and protect the participants in peaceful protests, such as the participants in a women's rights rally in April 2021 who were attacked by aggressively behaving activists opposing their agenda.

Activists drawing attention to human rights violations perpetrated by law enforcement authorities also remain at the risk of persecution. Human rights defender Kamil Ruziev faced criminal charges in mid-2020 after seeking accountability for torture and other unlawful actions of security service officials. His case has been pending with court for more than a year in a process led by the same state body whose officials he faulted for wrongdoing. The authorities have to date failed to ensure an impartial and effective investigation into last year's death in prison of human rights defender Azimjan Askarov and to grant compensation to his family for the rights violations he suffered, in accordance with the UN Human

Rights Committee's decision on his case. As the investigation into Askarov's death now is set to re-open, after a local court approved a complaint against the earlier decision to close it, the authorities have an opportunity to correct past mistakes and ensure justice for the defender.

POST-CRISIS DEVELOPMENTS OF CONCERN

Mass protests against the official outcome of the parliamentary elections held in Kyrgyzstan on 4 October 2020 brought down those in power, making it the third time a popular uprising has resulted in regime change in the country in the past two decades. The elections, which were marred by irregularities, resulted in a landslide victory for pro-government parties. This 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. In the following days, the election results were cancelled, the government and president resigned, and Sadyr Japarov – a former MP who was among those freed from prison – made a spectacular rise to power.¹ He was subsequently elected president in early presidential elections held in January 2021 **amid concerns about the lack of a level playing field and the misuse of public resources** in his favour.²

Major legal and political developments since the October 2020 crisis are highly worrying in the light of human rights, democratic governance and the rule of law. The authorities have pushed through a **controversial new constitution**, which was approved in a referendum held on 11 April 2021 and entered into force as of 5 May 2021. This constitution significantly **expands the president's powers while weakening checks and balances**, thus paving the way for increasingly authoritarian rule. In their joint opinion³, 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."

The **outgoing parliament has remained in office for months beyond its elected term**, giving rise to **serious questions about its legitimacy**. At the same time, its role not been restricted to that of a caretaker body but it has been involved in substantial legislative processes. As discussed elsewhere in this briefing paper, the outgoing parliament has **rushed through a number of laws seriously threatening the protection of fundamental rights and freedoms**. In an opinion issued in November 2021, the Venice Commission stressed that the suspension of elections in Kyrgyzstan "should be for the smallest time possible", and that the outgoing parliament only is allowed to carry out limited functions during the transition period.⁴ In late August 2021, the **date for the new parliamentary elections was finally set for 28 November 2021** based on a presidential decree, issued in accordance with the new constitution which grants the president the power to call parliamentary elections.⁵ This step followed the president's signature of a revised elections law, passed by parliament in July 2021.⁶ The November elections will,

thus, take place in accordance with the provisions of the revised election law, which reduces the number of seats in parliament from 120 to 90 and introduces a mixed electoral system, with part of the members being elected based on national party lists and part in in single-member constituencies.

After taking office, President Japarov initiated a **wide-ranging review of the country's legal framework**. A presidential decree of 8 February 2021 requested the government to carry out an inventory of national laws by 31 December for the purpose of assessing their constitutionality, necessity and quality and proposing relevant measures to address inconsistencies and problems identified. In accordance with this decree, six government working groups have been set up to review hundreds of laws. The reviews began only in summer, leaving only some six months' time for this massive task. Experts have expressed **serious concerns about the process of the inventory**.

The Public Council under the Ministry of Justice, an advisory body composed of privately practising lawyers and civil society representatives, raised the alarm that the fact that the inventory is being carried out within such a short period of time has resulted in that individual or **small groups of experts and/or government officials hastily assess laws and make recommendations as to whether these laws should be abolished, revised or reapproved without having enough time to conduct thorough analyses or consult with those affected** by the laws in question. The Council also voiced concerns that, in parallel with the inventory, the **process of amending laws now under review continues**, which may result in that the assessments carried out turn out to be incorrect or irrelevant as they are based on the existing versions of the laws. For these reasons, the Council called for extending the timeframe of the inventory to ensure that the assessments can be carried out within longer, more reasonable periods of time; holding proper public consultations with civil society and other relevant stakeholders as part of the inventory and ensuring that their recommendations are taken into account; and introducing a moratorium on amendments to relevant legislation during the inventory.⁷

In another, separate process that has been criticised as being rushed and ill-considered, **a revision of national criminal law was initiated** following the adoption of a presidential decree on 31 March 2021, which called for an assessment of this legislation. Using powers granted to this office under the new constitution, the General Prosecutor put forward a new draft Criminal Code, Criminal Procedure Code and Code of Violations in May 2021, and parliament subsequently approved these codes in all three required readings in July 2021. Upon signature by the president, which was pending as of the end of August 2021, the new codes will enter into force.

Experts and civil society representatives have raised **serious concerns about the human rights impact of the revised codes**, warning that their adoption will **undermine the progress recently achieved** in the area of criminal justice and re-introduce a more punitive, repressive approach in this area. Among others, the NGO Coalition against Torture concluded that many provisions of the new codes run counter to international human rights treaties ratified by Kyrgyzstan and will seriously worsen the protection of human rights in the country. In particular, the Coalition expressed concern that the new provisions will **undermine opportunities to ensure prompt, effective and independent investigations into complaints about torture and ill-treatment and weaken the protection of victims of torture and domestic violence**. It also regretted that the new codes were **elaborated without broad participation by experts, civil society and other relevant stakeholders**.⁸

In another problematic development, there have been **several controversial initiatives to promote so-called traditional values** since President Japantov's coming to power. 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."⁹ In August 2021, a government working group was set up to elaborate a draft action plan for the implementation of the January decree.¹⁰ 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.¹¹ 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.¹²

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. Such arguments have, for example, been used by those advocating for tighter control over NGOs (see more on new NGO legislation below under Association). During a parliamentary discussion held on 11 March 2021, MPs Baktybek Raiymkulov and Shailoobek Atazov called for increasing oversight of NGOs by arguing that such organisations organise "gay parades" and other activities that undermine "Kyrgyz values" and pose a threat to the state.¹³ 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.¹⁴

Recommendations

The authorities of Kyrgyzstan should:

- Uphold the principles of the separation of powers, the rule of law, democratic accountability and transparency at all times and ensure that the upcoming parliamentary elections are held in full compliance with international standards.
- Extend the timeframe of the current legal inventory to ensure that the reviews undertaken can be carried out by qualified expert groups in a thorough and comprehensive manner with consultation of all relevant stakeholders; hold broad public consultations with civil society and others interested parties to grant them effective opportunities to contribute to the process; and ensure that compliance with Kyrgyzstan's international human rights obligations is included as a key factor in the assessments of current laws and any measures proposed based on these assessments.

- Ensure that the revised criminal law codes do not enter into force in their current format; that the process of reforming criminal law is carried out in process characterised by careful consideration and analysis, transparency and broad consultation with experts, civil society representatives and other stakeholders; and that any draft codes are subjected to review by the Venice Commission and ODIHR prior to their adoption.
- 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.

EXPRESSION

Threats and attacks against critical voices

In an alarming trend, **civil society activists, journalists, lawyers and other critical voices have recently been subjected to increasing intimidation and harassment** in Kyrgyzstan. Those targeted include in particular individuals who have spoken out against the new constitution and other controversial measures adopted since the October 2020 political crisis and Sadyr Japarov's rise to power.

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.¹⁵ In December 2020, Facebook deleted around 400 fake accounts based on information from Kyrgyzstani investigative journalists and experts.¹⁶ However, the problem persists, with media investigations showing that fake accounts systematically engage in efforts to praise those who pay them and attack their opponents, including political figures, journalists and activists.¹⁷

For example, activist Ulan Usoiun, leader of the Bashtan Bashta youth movement and one of the organisers of a series of peaceful Sunday rallies held in central Bishkek to call for legality during the post-crisis transition period, has reported receiving regular threats through social media from both trolls and supporters of the current authorities.¹⁸ According to him, he has sometimes received up to 40-50 threats a day.¹⁹ In March 2021, social media users threatened Usoiun and two journalists from the Factcheck.kg site with reprisals should they attempt to travel to Osh, Kyrgyzstan's second largest city for an event on factchecking planned to be held there.²⁰ Investigative journalist Ali Toktakunov, who has protested against the new constitution and other controversial measures initiated by the authorities since the October 2020 crisis, has also reported being frequently attacked by social media trolls.²¹ These attacks have come in addition to other intimidation he has been facing, including surveillance by unknown people,²² and a dragged-out court case in which he was sued for defaming a former top customs official because of a high-profile corruption investigation (see more below).

Those in power, including President Japarov 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 Japarov gave to Radio *Azattyk*, the Kyrgyz service of Radio Free Europe/Radio Liberty (RFE/RL) in March 2021, he said that he does not consider online threats against journalists, including those originating from fake accounts to constitute any form of pressure as internet users can write “whatever they want”.²³ Civil society representatives have also expressed concern that Japarov and other high-ranking public figures have themselves **used rhetoric encouraging aggressive online behaviour by their supporters** against journalists and activists.²⁴ For example, after Japarov accused Radio *Azattyk* of “distorting his words” in a TV interview aired on 3 November 2020, the service’s journalists reported receiving increasing threats on social media.²⁵

Aside from online threats, there has been a **growing number of cases in which individuals critical of the current authorities have been intimidated and harassed by law enforcement authorities.**

In the following case, a prominent critic of the new constitution was subjected to an apparent attempt at intimidation:

- ❖ On 26 February 2021, **Saniya Toktogazieva**, an expert on constitutional law and a representative of the Association of Lawyers of Kyrgyzstan, reported that an unknown man who introduced himself as a police officer had called the management of her house to inquire about her and subsequently visited her house to look for her. She said that the man failed to show any documentation when asked to do so.²⁶ Toktogazieva filed a complaint with police, which opened an investigation. At the time of writing, no further information about the status of the investigation was available.

In the following case, security services targeted three bloggers and media workers associated with Abdil Segizbaev, a former security service chief who ran in the January 2021 presidential elections on a platform critical of Sadyr Japarov and who was arrested on corruption charges after the elections:

- ❖ In February 2021, officers from the SCNS searched the homes of **Yulia Barabina**, **Meerim Asanova** and **Nurzada Toktogulova**, confiscating phones, laptops and other personal belongings. They also interrogated the three women because of the publication of allegedly “provocative material” aimed at “inciting ethnic and regional hatred” and “promoting violent actions” on a Facebook group page where the women post their journalistic pieces. The alleged provocative material in question consisted of comments made by visitors to the site, not articles posted on it by the administrators.²⁷ According to Barabina, these comments appeared on the site following the publication of articles critical of Sadyr Japarov.²⁸ Lawyers from the Media Policy Institute concluded that the charges in this case appeared “far-fetched” and aimed at persecuting the targeted women because of their dissent and support for an opponent of the current authorities.²⁹ Barabina subsequently left the country, saying she was “pushed out”.³⁰ The broadly worded criminal code provision on inciting ethnic, regional and other types of hatred has repeatedly been criticised for being open to implementation stifling legitimate free speech.

In a related development, another journalist came under investigation:

- ❖ Journalist **Kanat Kanimetov**, who works with the *April* TV channel, was summoned for questioning by SCNS officials in March 2021. According to Kanimetov, he was questioned because of his previous coverage of a scandalous investigation initiated in 2016 when Abdil Segizbaev headed the SCNS.³¹ Kanimetov said that the interrogators posed questions as if he was a suspect and expressed fears that he might face criminal charges.

The following month, Kanimetov reported an incident of intimidation against his relatives in his native town Balykchy, saying police visited them, asked about him and threatened to search their home.³² Following this incident, which the Committee to Protect Journalists (CPJ) condemned³³, the journalist learned that he was under investigation on charges of “minor hooliganism” (under article 119 of the Code of Offenses), and on 12 May 2021, he was summoned for questioning as part of this investigation. The charges against him related to a Facebook post he published in February 2021, criticising the authorities for the search carried out in the home of blogger Yulia Barabina (see above). According to the police, this post might result in a “deterioration of the socio-political situation in the country” but it was not clear why it was classified as “minor hooliganism”.³⁴ Following his questioning, Kanimetov was requested to sign an agreement not to disclose any information about the investigation against him, which he refused, a position that was supported by court.³⁵

In a welcome development, the Media Policy Institute reported in August 2021 that a regional prosecutor’s office had deemed the actions of police unlawful in Kanimetov’s case, in response to a request from the organisation to assess their actions. Thus, the investigation against Kanimetov was due to be closed.³⁶

Other individuals critical of those in power have also been prosecuted on charges believed to be politically motivated. **Two activists were detained and criminally charged after campaigning against the new controversial constitution and organising a rally outside parliament** to this end on 9 March 2021:

- ❖ On 15 March 2021, law enforcement officials in Bishkek detained **Tilekmat Kurenov**, one of the organisers of the rally against the draft constitution held on 9 March 2021.³⁷ The same day, law enforcement authorities also searched the activist’s home, and the office of the Centre against the Khanstitution, a movement initiated to challenge the new constitution in which Kurenov was involved. A few days after Kurenov’s detention, a local court sanctioned his pre-trial detention for a month at a hearing that was closed to the media and the public.³⁸ According to Kurenov’s lawyer, the activist was arrested on charges of calling for a coup d’état because of posts made on Facebook.³⁹ It was not clear which posts the charges concerned. Kurenov’s pre-trial detention was subsequently prolonged but on 26 April 2021, he was transferred to house arrest as the investigation continued.⁴⁰ On 20 August 2021, Sverdlov district court in Bishkek convicted Kurenov on charges of calling for the violent overthrow of power through media or the internet, as well as attempted vote buying (under articles 310 and 192 of the Criminal Code) and sentenced him to 18 months in prison. The activist disputed the charges and his family said they would appeal the sentence.⁴¹ No further information about the charges against the activist or the trial proceedings was available at the time of writing.

Kurenov has not only campaigned against the new constitution but also led a movement founded to defend the Jetim-Too iron ore field near the Chinese border after Sadyr Japarov suggested that

raw materials from this deposit could be used to repay Kyrgyzstan's debt to China.⁴² The activist regularly published posts critical of the authorities on his Facebook page.⁴³ He has also been involved in the activities of the opposition Turan party and its election campaigning.⁴⁴

- ❖ On 16 March 2021, law enforcement officials searched the office of **Zhenish Moldokmatov**, leader of the Turan opposition party and the Centre against the Khanstitution who has vocally criticised different aspects of the policies of Japarov's administration.⁴⁵ Similar to Tilekmat Kurenov, he was involved in organising the 9 March rally against the constitution held in Bishkek.

On 6 May 2021, police summoned and questioned Moldokmatov in relation to the post-election protests held in October 2020 and detained him.⁴⁶ Two days later, a local court sanctioned his arrest for one month, a period that subsequently was prolonged to 6 September 2021.⁴⁷ The day before he was detained, Moldokmatov had published a video appeal to President Japarov together with Tilekmat Kurenov, calling for a thorough investigation into the renewed hostilities at the Kyrgyzstan-Tajikistan border and for the resignation of the heads of the State Committee for National Security and the Ministry of Interior because of their actions in relation to the hostilities.⁴⁸

According to Moldokmatov's lawyer, the activist was first charged under a criminal code provision that prohibits the seizure of official buildings and facilities (Criminal Code article 245), but the charges against him were later reclassified as organising mass riots (Criminal Code article 264) in connection with the post-election protests in October 2020.⁴⁹ At the time of writing, the activist remained in pre-trial detention pending trial.

Starting on 26 July 2021, Moldokmatov held a more than a week-long hunger strike to protest against the charges initiated against him.⁵⁰ Because of the hunger strike, he required hospital treatment.⁵¹ Later in August 2021, his colleagues reported that he was not allowed to undergo urgent surgical intervention he would need because of heart problems, which deteriorated due to his hunger strike.⁵²

Moldokmatov, his colleagues and observers consider the charges against him to constitute political persecution motivated by his criticism of the policies of Japarov's administration.⁵³

Two other activists involved in the 9 March rally against the constitution were questioned by law enforcement authorities. On 17 March 2021, security service officials held a "prophylactic" discussion with **Bekmurat Oogan uulu** after he posted a social media message in which he said that he was against the "khanstitution" and called for freedom for Tilekmat Kurenov.⁵⁴ Two days later, another activist, **Erlan Bekchoro uulu** reported being summoned and questioned by security services about the case against Tilekmat Kurenov, as well as his relations to Zhenish Moldokmatov.⁵⁵

In another recent development of concern, it was revealed in late August 2021 that some **100 opposition politicians, civil society activists, lawyers and human rights defenders had been subjected to wiretapping** by law enforcement authorities as part of the investigation into the October 2020 protests. 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 president⁵⁶, 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 protested against the wiretapping as a “flagrant violation” of their rights. They said that the judge had approved this measure without clarifying the involvement of those affected in the events under investigation, stressing that some of them did not even take part in the October protests. The appellants also noted that **most of those singled out for wiretapping were individuals who had openly and prominently criticised current state policies, including the new draft constitution**, leading them to conclude that the wiretapping amounted to the “the persecution of dissent”. They called on the president to take “resolute measures” to hold accountable those responsible for this unfounded invasion of their privacy. The Ministry of Interior and Pervomayski District Court, whose judge sanctioned the wiretapping, dismissed the criticism, claiming that the measure had been taken lawfully.⁵⁷

In a case that dates back to the period before the October 2021 crisis, **human rights defender Kamil Ruziev** was criminally prosecuted after seeking accountability for unlawful actions of security services. This case has now been pending with court **for more than a year**:

- ❖ Human rights defender Kamil Ruziev, who heads the NGO “Ventus”, has been subjected to criminal prosecution in apparent retaliation for his human rights engagement, in particular his efforts to document, publicise and ensure accountability for torture and other unlawful practices of security service officials, as well as for threats that he has received because of these efforts.

Security service officials detained Kamil Ruziev in the city of Karakol in eastern Kyrgyzstan on 29 May 2020, with the SCNS announcing that he was under investigation on criminal charges of forgery and fraud. Later the fraud charges were dropped.⁵⁸ Initially treated as a witness rather than a suspect, the defender reported being subjected to pressure while held in detention in an attempt to make him incriminate himself. Two days after Ruziev’s detention, a local court sanctioned his house arrest pending trial. On 19 June 2020, a regional court upheld this decision on appeal but replaced the house arrest with banning the activist from leaving his place of residence without permission. Later, he was allowed by court to leave his home city for essential purposes, such as medical treatment during the continued investigation.⁵⁹

It is highly worrying that the Ruziev’s case has been dragging on for months. Most recently, a court hearing scheduled for 26 August 2021 was postponed to 7 September 2021 because of the change of the judge hearing the case, thus indicating a further delay of the proceedings.⁶⁰ In addition, the impartiality of the investigation in this case is undermined by the fact that the security services were in charge of it. Prior to his detention, Ruziev had repeatedly submitted complaints against security service officials in cases involving allegations of torture and other human rights violations. The defender had also taken legal action against a former high-ranking security service official who had threatened to kill him on several occasions, including at gunpoint, because of his efforts to hold the official accountable for torture and ill-treatment.

In a joint statement issued in June 2020, IPHR, the Association for Human Rights in Central Asia, Civil Rights Defenders, the Norwegian Helsinki Committee and the School of Law called on the Kyrgyzstani authorities to drop the charges against Ruziev, protect him against persecution and investigate the complaints he has filed about human rights violations.⁶¹

The continued lack of justice in the case of human rights defender Azimjan Askarov, who died in prison when serving an unfair sentence handed down in retaliation for his human rights work, is of serious concern. As the investigation into his death is now set to re-open, it is crucial that representatives of the international community renew their calls for justice in his case:

- ❖ The Kyrgyzstani authorities have to date failed to ensure an impartial and effective investigation into the circumstances of the death of human rights defender Azimjan Askarov in prison last summer. Reports about the alarming deterioration of the health of 69-year-old Askarov appeared in mid-July 2020. When Askarov's lawyer, Valeryan Vakhitov visited the defender in prison on 22 July, Askarov was not able to walk, had lost a lot of weight, had yellowish skin, and was coughing and spoke with difficulty.⁶² Askarov said that he had hardly eaten anything for the past ten days and had been getting glucose injections. In spite of calls by his lawyers, family and colleagues for urgent interventions to protect his health,⁶³ Askarov was not released and he was not hospitalised until 24 July 2020. This measure came too late and in the morning of 25 July 2020, Askarov died in the prison hospital. According to the prison service, the defender died of pneumonia, known as a serious complication of Covid-19.⁶⁴ As late as the day before the defender's passing, the prison service had insisted that Askarov was "doing well".⁶⁵

While the Kyrgyzstani authorities opened an investigation into Askarov's death, this investigation was not independent and impartial as it was conducted by the prison service -- the same body that oversees the prison system within which the defender died. The investigation, which was closed in May 2021, concluded that Askarov died from complications of Covid-19 and that no one could be held responsible for his 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.⁶⁶ The Bir Duino Human Rights Movement filed a complaint with court against the prison service's decision to close the investigation, saying the decision was unlawful. On 1 July 2021, Sverdlov District Court in Bishkek rejected this complaint.⁶⁷ However, on 27 July 2021, Bishkek City Court overturned the decision on appeal, thereby obliging the lower-level court to reconsider the complaint.⁶⁸ Subsequently, on 23 August 2021, the district court reconsidered the complaint and ruled that the decision to close the investigation into the defender's death was unlawful and unfounded. As a result, the investigation will be re-opened. The lawyers working on the case are seeking to have the responsibility for the investigation transferred to another state body than the prison service given the lack of impartiality of the latter.⁶⁹

At the time of his death, Askarov was serving a life sentence for his alleged role in the inter-ethnic violence that took place in southern Kyrgyzstan in June 2010, having been convicted following an investigation and trial marred by due process and fair trial violations, as well as torture allegations.

When arrested, Askarov had been monitoring and documenting torture and other abuses for over a decade, and during the interethnic clashes in June 2010, he recorded violence and looting in his home community. His imprisonment came in retaliation for his human rights work.⁷⁰ Askarov was repeatedly denied justice and the authorities did not comply with a 2016 UN Human Rights Committee decision on his case, which found multiple violations of his rights under the International Covenant for Civil and Political Rights (ICCPR) and called for his immediate release, the quashing of his conviction and the provision of adequate compensation to him.⁷¹

Shortly before his passing, Askarov filed a lawsuit against Kyrgyzstan's government because of its failure to implement the 2016 UN Human Rights Committee decision on his case. A local court ruled to terminate the proceedings in this case in June 2020, a decision Bishkek City Court upheld in August 2020.⁷² In November 2020, the Supreme Court failed to recognise Askarov's wife, Kadicha Askarova as his legal successor with respect to the claims against the government on this matter.⁷³ She nevertheless continues her efforts to obtain justice on behalf of her husband.

In a joint statement issued in connection with the first anniversary of Askarov's death, IPHR, Human Rights Watch, the Committee to Protect Journalists, Front Line Defenders and the Bir Duino Human Rights Movement called on the Kyrgyzstani authorities to comply with their international human rights obligations and promptly conduct an effective, independent, and impartial investigation into Askarov's death, grant compensation to his family for the rights violations he suffered, and posthumously ensure his legal rehabilitation.⁷⁴

Free speech stifled in the name of preventing the spread of "false" information

Measures targeted by the authorities in the name of preventing the spread of disinformation are of serious concern. A **new controversial law on the protection from false and inaccurate information** was approved by parliament on 28 July 2021 and signed by the president on 23 August 2021.

First proposed by two MEPs, the initial version of this draft legislation was passed by parliament in an expedited process in June 2020 but subsequently vetoed by then President Sooronbay Jeenbekov, who sent it back to parliament for revision in August 2020. The revised version of the draft law, which was supported by the presidential administration, was first put to vote in parliament on 30 June 2021 but did not receive the required two thirds majority to pass.⁷⁵ However, following an apparent intervention by the presidential administration and in a move that experts criticised as being in violation of parliament's internal regulations⁷⁶, the law was put up for a new vote on 28 July, when it gathered the required support.

Media watchdogs have raised the alarm that the **new law violates freedom of expression in violation of Kyrgyzstan's constitution and international standards**. The amendments made during the revision of the draft law failed to address key concerns raised by civil society. The Media Policy Institute, a Kyrgyzstani NGO that conducted a thorough analysis of the revised draft law, concluded that it **de facto introduces censorship and constitutes an instrument for protecting high-ranking officials from criticism**.⁷⁷

The new law⁷⁸ sets out a **broadly worded ban on disseminating "false" and "inaccurate" information** through the internet and **obliges the owners of internet sites and pages to promptly remove any content based on complaints from individuals** 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 operation of the entire online resources might be suspended for up to two months**. The exact procedure in which this will be done has yet to be determined by the government, but it appears that the suspension of resources can be initiated without court sanction, although the owners of the online resources can appeal the decisions to court. Thus, the implementation of the law might result in **websites**

or webpages being arbitrarily blocked because of complaints from officials or any other individuals claiming to have been defamed. Complainants also have the right to request compensation for the publication of the allegedly false or 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 other individuals might use this as an opportunity to put additional pressure on the owners of “inconvenient” online resources.

The adoption of the new law is particularly worrying as it came against the background of a **law enforcement campaign against social media users implemented during the Covid-19 pandemic**, with bloggers being summoned, questioned, warned and pressured to “publicly apologise” for posting allegedly “false” information. Those targeted in this campaign include bloggers critical of those in power in relation to the pandemic and other issues. Medical professionals have also been targeted after drawing attention to the lack of appropriate means of protection against Covid-19 at medical facilities.⁷⁹

Attacks on journalists when carrying out their professional activities

In the recent period, there have been several new cases in which **journalists have been intimidated and attacked when covering events on the ground** in Kyrgyzstan. These are two examples:

- ❖ On 28 February 2021, journalists from Radio *Azzatyk* and Kloop were intimidated during a rally held in Osh in support of ex-customs official Raimbek Matraimov, who was convicted of corruption earlier the same month and held in pre-trial detention on money laundering charges at the time of the rally (see more on his case below). Rally participants warned the journalists to be “careful” and shouted intimidating comments at them, such as by threatening to “kick them out” and telling them to “go away”. One of the rally participants attempted to take away the phone of Kloop journalist **Khamidullo Uzakov**, while another one pulled Radio *Azzatyk* journalist **Dastan Umotbay uulu** by the hand. However, fortunately the situation did not escalate and none of the journalists were harmed.⁸⁰ In a statement issued after the rally, the department of the ministry of interior in Osh said that no violations of the law had taken place.⁸¹ Civil society representatives condemned the threats voiced during the rally as an attack on independent media and regretted the lack of any official response.⁸²
- ❖ On 30 April 2021, journalist **Zulfiya Turgunova** from the Sputnik news site was physically assaulted when covering hostilities on the Kyrgyzstan-Tajikistan border, which had broken out two days earlier. The incident took place during a meeting that the head of the SCNS and a regional government official were holding with residents of the Batken region who had been affected by the hostilities. According to the journalist, a group of unknown men suddenly grabbed her and dragged her on the ground before letting go of her. None of the law enforcement officials present responded or intervened in her support.⁸³

During the referendum on the constitution and the local parliamentary elections held on 11 April 2021, **several cases of harassment of journalists covering the elections** took place, as reported by media and media watchdogs.⁸⁴ Among others, **Ayarbek Joldoshbayev**, who works for the independent Eldik.media

news site, was detained by police when filming at a polling station in Osh and held for some 40 minutes before being released.⁸⁵ In another case, journalists **Bekmyrz Isakov** and **Aliyma Alymova** and election monitor **Cholpon Kozhoeva**, who were all part of a mobile group deployed by the independent Kloop news site were attacked at a polling station in Osh when attempting to interview a group of women. Police officers present reportedly first failed to respond to a request by the journalists to intervene and subsequently detained both them and their attackers for questioning.⁸⁶

Previously, **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.⁸⁷ In one particularly alarming case, 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.⁸⁸ Law enforcement authorities have **failed to take adequate measures to investigate** the reported attacks, resulting in impunity for those responsible, as deplored by media watchdogs.⁸⁹

Corruption whistle-blowers targeted

When taking office, President Japarov pledged to step up the fight against corruption. However, the authorities have **failed to take systematic measures to address the widespread problem of corruption**, with recent high-profile cases initiated against officials, policymakers and other public figures on corruptions charges reflecting a **selective and politicised approach**. At the same time, media outlets, **journalists and activists speaking out against government corruption remain highly vulnerable to intimidation and harassment**.

In a case of particular concern, 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.⁹⁰ Thus, a key figure featured in this probe, former Customs Service Deputy Head Raimbek Matraimov and his family filed 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, although they still referred to the findings of the media investigation as “false” and “far-fetched”.⁹¹ This step came after the conviction on 11 February 2021 of Raimbek Matraimov on corruptions charges, to which he pleaded guilty. However, in a widely criticised ruling, the ex-official was fined only around 2,500 EUR since he had cooperated with the investigation and agreed to a compensation scheme.⁹² A week after the ruling, Matraimov was re-arrested on new charges of money laundering but this case was closed in mid-April 2021 and the ex-official was released from custody.⁹³ In December 2020, the United States government imposed sanctions against Matraimov under its 2012 Global Magnitsky Human Rights Accountability Act because of the ex-official’s involvement in corruption and money laundering, as documented in the high-profile media investigation.⁹⁴

Other journalists have also faced intimidation in relation to coverage of the former top custom official. For example, journalist **Shaista Shatmanova** reported being warned not to raise issues relating to the ex-official in mid-January 2021. According to the journalist, the ex-official's brother, Iskender Matraimov called her to deliver this threat after she included questions relating to Raimbek Matraimov among those addressed to then Acting President Talant Mamytov for discussion during a TV broadcast.⁹⁵

In another case of intimidation related to the coverage of corruptions allegations involving the Matraimov family, unknown perpetrators physically assaulted **Bolot Temirov**, chief editor of Factcheck.kg, outside the office of this media outlet in central Bishkek in January 2020. They hit him on the head and kicked him repeatedly, as a result of which he sustained a concussion and bruising. The attack came shortly after Factcheck.kg had published a report about the lavish lifestyle of the wife of Raimbek Matraimov.⁹⁶ A few days after the attack police arrested four suspects on charges of hooliganism and robbery, and in December 2020, a local court convicted these men and handed them fines.⁹⁷ **Those who ordered the attack were not found.**

Recommendations

The authorities of Kyrgyzstan should:

- Refrain from making hostile and stigmatising comments about civil society activists, journalists, lawyers and others who exercise their freedom of expression to speak out on legislative reforms, corruption and other issues of public concern; and publicly and unconditionally condemn both off- and online threats and attacks targeting such actors.
- Promptly, thoroughly and impartially investigate all cases of intimidation and attacks on civil society activists, journalists, lawyers and others exercising their freedom of expression, including through online platforms, and hold those responsible to account.
- Ensure that no one is criminally charged, convicted or imprisoned in retaliation for their criticism of those in power and/or current political initiatives; and ensure that due process and fair trial standards are scrupulously upheld in any legal cases involving government critics or opponents.
- Drop the criminal charges against Kamil Ruziev and ensure that he can continue his legitimate human rights work without fear and harassment; and thoroughly and impartially investigate the complaints the defender has filed about human rights violations involving security service officials and bring to justice officials responsible for wrongdoing.
- Ensure 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.
- In accordance with the recommendations of media organisations and experts, revise the recently adopted law on the protection from "false" information to bring it in line with international standards and prevent it from being used to implement censorship and silence government critics.

- Refrain from exploiting the fight against disinformation or extremism 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.

ASSOCIATION

New legislation tightens control over NGOs

In the recent period, there have been **renewed attempts to step up control over NGOs**, with new **problematic legislation** to this end being adopted. On 17 June 2021, parliament passed amendments to the country's Law on Non-Commercial Organisations and the Law on State Registration of Legal Entities⁹⁸ on third reading after the consideration of this legislation had been stalled in the law-making body for almost a year. The following week President Japarov signed into law the amendments, which had first been initiated by a Member of Parliament in December 2019. Although the new legislation directly affects civil society organisations, its adoption was not preceded by any broad or inclusive consultation process with NGOs. Due to Covid-19 related restrictions, only selected NGOs were invited to a parliamentary committee hearing on the draft law held in May 2020.

The new legislation requires NGOs to annually prepare and submit a report about their sources of funding, how they spend these funds, as well as their acquisition and use of property for publication on the website of the state tax service. The form and procedure for providing this information will be determined by the government, which leaves it unclear exactly how the new reporting scheme will be implemented in practice, thus creating a **high level of uncertainty for NGOs**. The failure of NGOs to comply with their reporting obligations may result in **penalties, including the closure of organisations**. Under the new provisions, the tax service may turn to court to request the compulsory liquidation of NGOs, which fail to submit the required reports to the service within one year.

Representatives of civil society and the international community have **seriously criticised the new provisions**. For example, in a joint appeal published in June 2020, 180 Kyrgyzstani NGOs called on members of parliament to reject the draft legislation as unconstitutional.⁹⁹ UN human rights experts have concluded that the new 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”.¹⁰⁰

In a joint statement issued in July 2021, IPHR and Kyrgyzstan's NGO Coalition against Torture also regretted the adoption of the new legislation, saying it introduces new **unjustified, burdensome and discriminatory financial reporting obligations** for NGOs and **might impair the operating ability of NGOs**.¹⁰¹

The new financial reporting obligations have been justified with the need to ensure transparency of NGOs. However, **pre-existing legislation already requires NGOs to regularly provide detailed information about their activities and finances** to different state bodies and grants authorities wide powers to oversee the work of NGOs. The new obligations are likely to **considerably increase the reporting burden of NGOs, to the detriment of especially small organisations** with limited staff and resources. The new requirements are also **discriminatory in nature** as they only apply to NGOs, not to other non-profit organisations, such as religious associations or political parties, nor to state affiliated organisations or commercial organisations.

Moreover, there is **reason to fear that the implementation of the new legislation might result in growing pressure on NGOs** who challenge public policies and seek accountability for corruption and human rights violations. The proponents of the law have accused NGOs of threatening national security and undermining so-called traditional values because of their efforts to defend fundamental rights and freedoms¹⁰² and the adoption of the law comes against the background of increasing threats and harassment against outspoken civil society activists (see more under Expression). The publication of information about the grants received and spent by NGOs on a government website might also **draw undesirable attention to organisations working on issues such as anti-corruption, gender equality and minority protection** and expose them to a heightened risk of attacks by non-state actors. Civil society activists advocating on these issues are already regularly targeted by aggressively behaving social media activists and members of nationalist movements.

Restrictive trade union law

The current caretaker parliament has also adopted a **new trade union law**, which restricts trade union activity **in violation of international standards**. The law-making body passed the initial version of this law in the third and final reading on 31 March 2021¹⁰³, despite serious criticism by labour organisations and human rights groups, who concluded that the law establishes a de-facto monopoly on trade union activity and allows for interference into the internal affairs of unions.¹⁰⁴ In addition, trade union representatives regretted not being invited to participate in the examination of the draft law, although it would directly affect them.¹⁰⁵

The president heeded to the criticism by vetoing the trade union law on 27 May 2021 and returning it to parliament for revision.¹⁰⁶ However, in a hasty process, **parliament revised the law and approved the amended version on 30 June 2021, failing to address key concerns and ensure adequate consultation with trade union representatives**. Thus, the revised version of the law also set out that a national structure, the Federation of Trade Unions of Kyrgyzstan would be the only union recognised as partner by the state authorities and provided for far-reaching restrictions on trade union activity.¹⁰⁷ Trade unions called on President Japarov to veto the law again, and the International Labour Organization (ILO) regretted that the revised law did not address the concerns it had previously raised, “in particular the central concern related to the imposition of a trade union monopoly”¹⁰⁸. In a welcome development, it was reported in late August 2021 that **President Japarov had vetoed the revised trade union law and sent it back to parliament for reconsideration a second time**.¹⁰⁹

Pressure on civil society groups and activists

As covered above (see Expression), civil society activists have recently faced growing pressure in relation to their engagement for human rights, justice and the rule of law, with those critical of the new constitution, as well as other measures initiated since the October 2020 crisis being particularly targeted. Adding to the concerns about the restrictive draft trade union law, there have also been **reports about increasing scrutiny and harassment of independent trade union activists.**¹¹⁰

In addition, there have been **renewed verbal attacks on NGOs.** As described above, lawmakers supporting tightening control over NGOs have used stigmatising and discrediting language, accusing NGOs of engaging in “extremist activities” and undermining national traditions and security.¹¹¹ These kinds of statements have contributed to reinforcing negative and distrustful attitudes toward NGOs. Private citizens have also used similar rhetoric. For example, during a rally held in Bishkek on 28 April 2021, supporters of President Japarov’s reform agenda called NGO representatives “provocateurs” and shouted that they did not want the “West’s NGO people” (“*enpeoshniki zapada*”) to “walk freely in the country”.¹¹²

In recent months, there have also been **new attempts to interfere with civil society events.** For example, in February 2021, members of the **Bashtan Bashta youth movement** reported attempts by law enforcement and security service officials to listen in to the discussion at events organised by the movement. They believed that these attempts were aimed at putting pressure on the movement because of its involvement in the so-called Sunday marches for legality held in Bishkek since November 2020 (see more under Assembly) and its criticism of the draft constitution.¹¹³

Recommendations

The authorities of Kyrgyzstan should:

- Revise the recently adopted legislation introducing new financial reporting obligations for NGOs to bring it into compliance with Kyrgyzstan’s international human rights obligations and ensure that its implementation does not impede NGO activities.
- In close consultation with trade union representatives, thoroughly revise the draft trade union law under consideration to protect independent trade union activity in accordance with international standards.
- Ensure that civil society groups and activists are not subjected to pressure because of their engagement for human rights, justice and the rule of law; and take effective measures to investigate all instances of intimidation and harassment and hold those responsible to account.

PEACEFUL ASSEMBLY

Constitutional guarantee abolished

Current law in Kyrgyzstan protects the right of citizens to hold peaceful assemblies, in accordance with international standards. The Law on Peaceful Assemblies¹¹⁴ does not require the organisers of assemblies to obtain permission from authorities, as is the case in several other Central Asian countries, but establishes a procedure for notifying authorities about protests. This law also obliges the authorities to facilitate and protect both planned and spontaneous peaceful gatherings. The previous constitution contained a provision setting out the impermissibility of bans and restrictions on the right to freedom of peaceful assembly, including because of the failure of the organisers to provide advance notice or the failure of them to do so in accordance with the applicable requirements. However, this provision was left out from the new constitution, which was approved by referendum in April 2021 and entered into force in May 2021. **Civil society organisations fear that the absence of this constitutional guarantee might result in restrictions on the right to freedom of peaceful assembly in violation of international standards.**¹¹⁵ These concerns are reinforced by the fact that **the national legal framework currently is undergoing extensive review and revision** as part of the inventory initiated by President Japarov (see more above).

Intimidation of protest participants

Residents of Kyrgyzstan continue to **actively exercise their freedom of assembly**, staging peaceful protests on various social, economic and political issues both in the capital Bishkek and other parts of the country. In recent months, political and civil society activists have held **a number of peaceful demonstrations to protest against the controversial new constitution and other measures initiated since the October 2020 crisis**, which they believe threaten democracy, human rights and the rule of law in the country. These protests include so-called **Sunday marches for legality** held in central Bishkek, some of which have attracted several hundred participants. For example, on 22 November 2020, over 500 people marched against the plans to hold a constitutional referendum.¹¹⁶ In another recent protest, several dozen people gathered outside the White House – the seat of the president and parliament -- on 9 March 2021 to call for the withdrawal of the controversial draft constitution and the dissolution of the current caretaker parliament, which at the time was considering the draft constitution.¹¹⁷

Like most other peaceful protests held in the country in recent years, the protests against the new constitution and other perceived threats to the rule of law have taken place without interference by law enforcement authorities. However, **several activists prominently involved in these protests have subsequently been subjected to intimidation and harassment** in apparent retaliation for their criticism of the current authorities (see more under Expression and the list of individual cases).

Moreover, in some cases, law enforcement authorities have **failed to uphold the right to freedom of peaceful assembly and protect protest participants**. The police response in this case is an example of this:

- ❖ On 15 April 2021, a peaceful rally against violence against women was held outside the building of the Ministry of Interior in Bishkek over the case of Aizada Kanatbekova, a young woman who earlier the same month had been abducted and murdered in circumstances that caused widespread indignation.¹¹⁸ 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.¹¹⁹ Police officers present made some feeble attempts to intervene, but **failed to take effective measures to curb the actions of the intruders**. As a result, the participants in the women’s rights rally eventually dispersed.¹²⁰ Some of the rally participants filed complaints with police concerning the actions of their assailants.¹²¹ At the time of writing, there was no further information about the investigations into these complaints.

Last year, a group of unknown perpetrators also attacked a women’s rights march, held in Bishkek on International Women’s Day on 8 March 2020. That time, police detained several dozen rally participants instead of seeking out their assailants, with some of the detainees being fined for allegedly disobeying the lawful orders of police. 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.¹²² A local court first ruled that the actions of the police during this event were lawful. However, the Supreme Court overturned that decision in November 2020,¹²³ and some of the fines imposed on participants were repealed on appeal.

Problematic practice of court-imposed blanket bans on protests

A recurring practice seen in Kyrgyzstan in recent years is that of **court-imposed blanket bans on protests**. In a number of cases, local courts have issued decisions prohibiting peaceful assemblies in central areas of the capital Bishkek for several weeks at a time. These court 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 national and international law.

In February 2021, a local court approved a new request from local authorities to **prohibit all assemblies in the centre of Bishkek during the period from 22 February to 22 April 2021**. The request from the authorities came following the series of Sunday marches for lawfulness held in the capital since the October 2020 political crisis, with the authorities arguing that rallies in the city centre disturb local residents because they involve the gathering of large crowds of people and cause traffic congestion and the blocking of pedestrian crossings. They also referred to the “unstable” situation with respect to the Covid-19 pandemic.¹²⁴ Following the court ruling, a number of assemblies were nevertheless allowed to take place in the centre of Bishkek. Moreover, the 8/365 movement, a group advocating the rights of women and sexual minorities which organised a peaceful rally in Bishkek on International Women’s Day in March 2021, **successfully challenged the court blanket ban** on procedural grounds. Thus, on 10 March 2021, Bishkek City Court overturned the lower-level court’s decision.¹²⁵ This was a welcome development.

Accountability for violence during October 2020 protests

As described above (see the section on post-crisis developments), the announcement of the results of the parliamentary elections on 4 October 2020 prompted mass protests by the opposition. Initially peaceful demonstrations evolved into clashes between protesters and law enforcement authorities and the seizure by groups of protesters of the White House and the freeing of high-profile political figures from prison. During the clashes, **one person died and hundreds were injured**, among whom were protesters, police and ambulance staff.¹²⁶

In the days after the initial protests against the election results, new rallies took place in Bishkek. On 9 October 2020, scuffles broke out at Ala-Too Square between supporters of Sadyr Japarov and supporters of other political leaders, including former President Almazbek Atambayev, who was also freed from prison in the night of 5-6 October. **Several people were injured** during the scuffles.¹²⁷

The exact circumstances under which law enforcement authorities resorted to force and the clashes began on 5 October 2020 are still unclear, and so are the details of the 9 October commotion.

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.¹²⁸ The Kyrgyzstani authorities subsequently opened investigations into the 5-6 October and the 9 October events.¹²⁹ However, there are **serious concerns about the thoroughness and impartiality of these investigations**, during which **vocal critics of Sadyr Japarov appear to have been selectively targeted for prosecution**. Among others, an activist who has campaigned against the new controversial constitution and criticised the current authorities is facing criminal charges on mass riots related to the October events (see more under Expression). Also, as described above (see Expression), as part of the investigation, **police wiretapped dozens of opposition politicians, civil society activists, human rights defenders and others who have publicly criticised the new constitution and other political measures** initiated since Japarov's coming to power.

Moreover, 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 under Expression on this issue).

Recommendations:

The authorities of Kyrgyzstan should:

- Uphold the constitutional guarantee of the right to freedom of peaceful assembly, including the right to hold protests without advance permission from authorities 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 international human rights standards.
- 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 all allegations of excessive use of force by law enforcement officials, and of violence by non-state actors in connection with the post-election protests in October 2020 and bring those responsible for unlawful actions to justice in fair and transparent proceedings consistent with international standards.
- Investigate all threats and attacks against journalists covering the post-election protests in October 2020 and ensure accountability for the perpetrators.

¹ For more information about the developments in October 2020, see IPHR-LPF special update on the crisis: <https://www.iphronline.org/post-election-protests-plunge-kyrgyzstan-into-crisis.html>

² See IPHR-LPF update on developments during post-crisis transition period, published in February 2021, <https://www.iphronline.org/kyrgyzstan-civil-society-flags-threats-to-democracy-human-rights-and-the-rule-of-law-during-transition-period.html>

³ 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)

⁴ See Amicus Curiae issued by the Venice Commission on the postponement of parliamentary elections in Kyrgyzstan, November 2020, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI\(2020\)015-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2020)015-e)

⁵ The decree is available (in Russian) at:

http://www.president.kg/ru/sobytiya/ukazy/20427_podpisan_ukazo_naznachenii_viborov_deputatov_ghogorku_keneshakirgizskoy_respubliki

⁶ See:

http://www.president.kg/ru/sobytiya/zakony/20403_podpisan_zakon_kirgizskoy_respubliki_zakon_ovnesenii_izmeneniy_vkonstitucii_onniy_zakon_kirgizskoy_respubliki_oviborah_prezidenta_kirgizskoy_respubliki_ideputatov_ghogorku_kenesha_kirgizskoy_respubliki

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