

THE PROTECTION OF FUNDAMENTAL FREEDOMS AND CIVIC SPACE IN KYRGYZSTAN: KEY CONCERNS

**BRIEFING PAPER FOR EU-KYRGYZSTAN HUMAN
RIGHTS DIALOGUE, SEPTEMBER 2022**

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INTRODUCTION

This is a briefing paper prepared as input for the EU-Kyrgyzstan Human Rights Dialogue taking place in September 2022. It covers key concerns regarding the protection of the freedoms of expression, association and peaceful assembly, as well as civic space and related issues 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.

BACKGROUND: OVERALL CONTEXT

There are **serious ongoing concerns about deteriorating conditions for the strengthening of democratic governance, participation and accountability** in Kyrgyzstan.

The new constitution, which entered into force in May 2021, **grants the president excessively broad powers without an effective system of checks and balances**. In a joint opinion¹, 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 November 2021 **parliamentary elections took place against this background**, with international observers concluding that “constitutional changes weakening parliament, subsequent extensive legislative changes to key aspects of the elections, a stifled campaign and overall voter disillusionment hindered meaningful engagement.”²

President Sadyr Japarov has dismissed concerns about growing authoritarianism in Kyrgyzstan and has insisted that the country continues to adhere to democratic principles.³ He has also insisted that there will be no politically motivated persecution under his rule.⁴ However, as described in the different chapters of this report, his period in office has seen **increasing pressure on independent media, renewed attempts to restrict civil society activities, and intimidation and harassment of those who criticise, oppose and challenge the policies of the authorities**. It is of particular concern that the authorities have **exploited the fight against “false” information** to clamp down on government critics.

International surveys have also **confirmed the recent negative trends** with respect to the state of freedom and democratic governance in Kyrgyzstan. The 2022 **Freedom in the World survey**, published by Freedom House, rated Kyrgyzstan as “not free” for the second year in the row. Thus, the country’s rating is now the same as that of the four other Central Asian countries. The survey concluded: “Major constitutional changes adopted in 2021 significantly increased presidential authority, concentrating

political power in the presidency and reducing the size and role of parliament. Both the judiciary and vigilante violence are increasingly used to suppress political opponents and civil society critics.⁵

In the **Democracy Index**, released by The Economist Intelligence Unit (EIU) in February 2022, Kyrgyzstan was for the first time designated an “authoritarian regime”, similar to the other Central Asian countries. Previously it had been classified as a “hybrid regime”. It was ranked on place 115 out of 167, one place below Qatar and one place above Iraq and Mozambique. The change in Kyrgyzstan’s rating was explained with the transition from a parliamentary to a presidential system, which resulted in that “the president gained greater influence over the legislature and the judiciary, effectively eliminating the separation of powers.”⁶

In the newest edition of the **World Justice Project Rule of Law Index**, which measures the level of accountability, just law, open government and accessible and impartial justice, Kyrgyzstan fell four positions compared to the previous year, landing on place 99 among 139 countries and jurisdictions worldwide. The downgrade was, in particular, attributed to a deterioration in constraints on government powers and corruption.⁷

During President Japarov’s period in office, **several new problematic laws** threatening the protection of fundamental freedoms have been adopted (see more in the chapters on the freedoms of expression and association below). In 2021 he also initiated a **wide-ranging inventory of the country’s legal framework** for the purpose of assessing the compliance of national laws with the new constitution, their necessity and quality, giving rise to concerns that hundreds of laws were being hastily examined without sufficient time for comprehensive expert reviews and consultations. However, while the inventory was initially planned to be concluded by the end of 2021, **the timeline was subsequently prolonged**, leaving more time for reviews and for input by civil society representatives and independent experts. As part of the inventory, over 350 laws have been subject to review, with working groups recommending that more than 230 laws be amended, more than 60 laws be fully revised, and others either be left unamended or repealed.⁸

EXPRESSION

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 2022⁹, **changed the status of the national TV and radio broadcasting corporation from that of a public (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. National and international media organisations protested against this legislative initiative, 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.¹⁰ In a further development, as part of the reform of the ORTK, the president decreed in August 2022 to merge the state-owned Republican Radio and TV Centre with the NRTK and to bring all regional TV and radio companies under the NRTK’s management.¹¹

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.¹² 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.¹³

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 President 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 threats originating from fake accounts to constitute any form of pressure as internet users can write “whatever they want”.¹⁴ 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.¹⁵

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 **held under surveillance, had their homes search, been detained and interrogated** by law enforcement authorities, and been **criminally prosecuted** 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 adopted since the October 2020 political crisis and President Japarov’s rise to power.

Below we describe a few cases from recent months, which are of concern to us and which illustrate broader trends.¹⁶

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 president¹⁷, 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 openly and prominently criticised current state policies, including the draft constitution** under consideration at the time. 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. When parliament discussed the issue, it only heard the General Prosecutor's Office and the Ministry of Interior, which similarly insisted that the measures taken were lawful.¹⁸ However, the office of the Ombudsperson expressed concerns about the basis for the wiretapping of those targeted.¹⁹

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 corruption investigations**, with the charges against him having been initiated right after the publication of high-profile corruption investigations on his YouTube-based outlet, Temirov Live.²⁰

On 22 January 2022, police carried out a raid of the office of Temirov Live in Bishkek and detained Temirov 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, covering the various charges that he is facing, 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.²¹ While four people were

later convicted of carrying out the attack, they were immediately granted amnesty and those who ordered the attack have never been identified.²²

Several journalists/bloggers/activists have recently come **under criminal investigation because of social media posts on issues of public interest**, 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 article 330 of the Criminal Code, 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”. It is also of concern that the charges in several cases rest on **state-ordered expert assessments** finding the social media posts in question to contain unlawful material, while independent expert assessments reaching different conclusions have not been taken into account.

In a statement issued on 16 August 2022, the Kyrgyzstani NGO, Media Policy Institute criticised the recent criminal cases initiated because of social media posts in which people have expressed their views on issues under consideration by the authorities. The organisation called on the authorities to **stop using criminal prosecution and detention as means to fight against dissent**.²³

- 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 **Taalaipek 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 conflict 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”.²⁴ 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.²⁵

Based on a court sanction, as of 5 March 2022, Duishenbiev was placed in pre-trial detention on charges of **inciting inter-national hatred** (under article 330 of the Criminal Code). He has been charged on two counts under the relevant Criminal Code provision and could face a lengthy prison sentence if convicted. He remained in custody as of early September 2022, as the trial in his case was nearing an end. His lawyers have raised concerns that the charges of inciting hatred are 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.²⁶ Both human rights organisations and Kyrgyzstan’s Ombudsperson have voiced concerns about Duishenbiev’s case in view of freedom of expression and the media.²⁷

In a further development of concern, Next TV’s freelance correspondent, blogger **Adilet Ali Myktybek** was detained on 30 June 2022, with a local court thereafter sanctioning his arrest on charges of **calling for riots** (under article 278 of the Criminal Code). These charges were similarly based on an **expert assessment initiated by the investigators**, which found that a **series of**

Facebook posts published by Myktybek constituted calls for riots.²⁸ He has dismissed the charges as absurd and unfounded and linked them to his criticism of the authorities. He has recently, among others, spoken out against a government initiative to legalise casinos.²⁹ As of early September 2022, Myktybek remained in pre-trial detention.

- On 23 July 2022, the Department of Internal Affairs of the Oktyabr district in Bishkek announced that a criminal case had been opened against blogger and civil society activist **Aizhana Myrsalieva**³⁰ under article 330 of the Criminal Code, which as mentioned above prohibits incitement to hatred in a broadly worded fashion. She was summoned for interrogation. The case concerned a **short video posted by another social media user** on TikTok in March 2022, which contained excerpts from a live stream Myrsalieva had held on Facebook the same month. In the Tik Tok video, Myrsalieva could be seen making critical statements about the lack of achievements of ethnic Kyrgyz during Kyrgyzstan's 30 years of independence and their approach to other nationalities in the country. According to the police, a **state-ordered expert assessment** had found that the video was aimed at **inciting inter-national hatred** and propaganda of the inferiority of citizens based on nationality. The police also claimed that the video could lead to inter-ethnic conflicts because of the public outcry and controversy it had caused.³¹

Myrsalieva denied the charges against her, saying that the 45 seconds long TikTok video was a montage in which statements from her 1 hour and 40 minutes long livestream had been placed out of context. She also noted that she had not been informed about the case against her previously, although it allegedly had been opened already in March 2022. She believed the case to have been fabricated in retaliation for her activities on social media, where she has been critical of the current authorities.³² Factcheck.kg concluded that there is no basis for the charges against Myrsalieva as she herself is an ethnic Kyrgyz and her statements therefore amounted to self-criticism of her own nationality and could not serve to incite hatred against other nationalities.³³

The trial in Myrsalieva's case started in mid-August 2022.³⁴

- 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").³⁵ These steps followed the publication on the *PolitUzник* site of an **old video appeal**³⁶ in which Abdil Segiszbaev, a former high-ranking security service official who competed against Japarov in the 2021 presidential elections,³⁷ spoke critically about Japarov's intentions regarding the Jetim-Too iron ore field.³⁸ The police suggested that the posts on the *Polit Uzник* site represented an attempt to **spread "incorrect" information** and "manipulate public information" regarding Jetim-Too.³⁹ A criminal case was opened against Zhekshenaliev on charges of **calling for active disobedience to the legitimate demands of representatives of the authorities and for riots** (part 3 of article 278 of the Criminal Code), which carry a penalty of up to eight years in prison. At a hearing closed to the public held on 16 August 2022, Pervomaisky District Court sanctioned his pre-trial detention for two months,⁴⁰ and three days later, police raided his home.⁴¹ Zhekshenaliev stated that he considers the charges to be politically motivated,⁴² stressing that he has only published posts with links to the sources of information.⁴³ Independent lawyers denounced the case against

Zhekshenaliev as an attack on freedom of expression and an attempt to prevent public discussion on an issue of public concern.⁴⁴

The same day as Zhekshenaliev was detained, President Japarov published a Facebook post⁴⁵, in which he called on people, who present themselves as defenders of Jetim-Too, to stop spreading “lies” about the situation regarding the iron ore field. He encouraged law enforcement authorities to “bring order” among these false “patriots”. He also insisted that no preparations for extraction at Jetim-Too currently are under way, only activities to clarify the scope of reserves there. Japarov’s post appeared to prompt the law enforcement actions against Zhekshenaliev.

- Civil society activist **Tilekmat Kurenov** continues to serve a prison sentence handed down to him last year on the basis of **social media posts**. Law enforcement authorities searched Kurenov’s home in Bishkek and detained him on 15 March 2021, only a few days after he had organised a rally against the controversial draft constitution – which was considered at the time -- outside the parliament building. He was subsequently held in pre-trial detention for more than a month before being transferred to house arrest at the investigation continued. According to Kurenov’s lawyer, the activist was accused of calling for a coup d’état because of posts made on Facebook. On 20 August 2021, Sverdlov District Court in Bishkek convicted Kurenov 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 and his supporters have dismissed the charges against him as politically motivated. In addition to protesting against the new constitution, Kurenov had regularly published social media posts critical of the current authorities. He founded a movement opposing government extraction plans for the Jetim-Too iron ore field and has been involved in the opposition Turan party and its election campaigning.⁴⁶

In July 2022, Chui Regional Court **denied Kurenov release on parole** because he allegedly had violated prison rules by having a phone in his possession.⁴⁷

In the following case, a criminal case was opened against an independent media outlet simply because it has reposted a controversial article from a foreign outlet⁴⁸:

- **Kaktus.media** came under investigation for “**war propaganda**” (under Criminal Code Article 407) for **reposting an article from a Tajikistani media outlet** regarding the April 2021 border clashes between Kyrgyzstan and Tajikistan, of which the governments of the two countries have presented different interpretations. Due to the attention that the article attracted when it appeared on the Kaktus.media site on 27 January 2022, the outlet issued a statement the following day⁴⁹, stressing that it had reposted the article for the sole purpose of informing the public in Kyrgyzstan about how the border conflict is portrayed in Tajikistan. It apologised for failing to make this clear when the article appeared on its site. Nevertheless, on 1 February 2022, the General Prosecutor’s Office announced⁵⁰ that a criminal case had been opened against Kaktus.media, saying that the article reposted by the outlet contained “**incorrect**” information alleging that soldiers from Kyrgyzstan had fired the first shots during the border confrontation, thereby provoking the Tajikistani side. The outlet’s director and several of its staff members were summoned for interrogation. Kaktus.media also reported attempts to hack its and its journalists’

social media accounts. The criminal case was eventually closed,⁵¹ but the mere fact that it was opened based on a reposted article is troubling.

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** (hereafter “Law on False Information”)⁵² violates free speech guarantees and might result in online censorship.⁵³

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 amendments made failed to address key concerns raised by civil society. Implementing regulations adopted by the government several months later, in April 2022⁵⁴, 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 the resources 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 will be 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 will have 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.⁵⁵

There have also **already been cases in which online resources have been blocked based on complaints about allegedly “inaccurate” information** posted on these resources:

- On 25 August 2022, the independent **news site 24.kg** learned that the Ministry of Culture, Information, Sports and Youth Policy (hereafter “Ministry of Culture”) had issued a **decision to**

suspend access to the site for two months. This decision was made in accordance with the Law on False Information allegedly based on a complaint from Hotel Ambassador in Bishkek, which considered information posted on the site to be “incorrect”. According to 24.kg, the suspension decision was made without any prior communication with representatives of the site, and internet providers and operators were immediately requested to implement it. Following inquiries by 24.kg, the Ministry of Culture eventually withdrew the decision. However, some internet providers had already proceeded to block access to the site.⁵⁶ The Media Policy Institute concluded that the case of 24.kg shows that the Law on False Information is a tool that can be used against media outlets that monitor and report on the activities of the authorities.⁵⁷

- In an earlier case, on 15 June 2022, the Ministry of Culture **ordered the blocking of the site of the ResPublika newspaper** (at <https://respublica.kg/>) based on a complaint from the previous president of the company managing Manas International Airport in Bishkek, who argued that two articles from 2019 concerning an alleged corruption scheme at the airport contained “incorrect” information about him.⁵⁸ The chief editor of the newspaper expressed indignation that the ministry made this decision, although the ex-president was dismissed from his job and subsequently convicted on charges of complicity in corruption following the publication of the two articles, which were based on two years’ journalistic research.⁵⁹

In accordance with the Law on False Information, complainants also **have the right to request compensation for the publication of the allegedly “incorrect” or “false” information** through the court system. The law says that such compensation should be “proportionate” but does not define what this means, 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.** The case against leading independent media outlets Radio *Azattyk* and *Kloop* and journalist Ali Toktakunov illustrates this problem. Following the publication of a high-profile media investigation into government corruption in November 2019, they were sued by a former top custom official and his family for a total of 45 million Som (over 500,000 EUR). The complainants finally withdrew their claims in April 2021, after the ex-official was convicted of corruptions charges.⁶⁰ The case nevertheless set a problematic precedent and served to intimidate media and journalists covering corruption and other sensitive issues, thereby potentially contributing to self-censorship.

The adoption of the new Law on False Information 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 by law enforcement officials to “publicly apologise” for posting allegedly “false” information relating to the pandemic.⁶¹ Following the adoption of the law, **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 held 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.⁶² In recent months, security services have **summoned and warned several bloggers**, who

have published posts critical of the authorities,⁶³ and as described above (see the previous section), some outspoken activists have **faced criminal charges** because of social media posts, which the authorities have deemed to contain “false” information.

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.”⁶⁴ In follow-up to this decree, a government concept on spiritual and moral development and physical education of the individual was elaborated, and a government action plan for its implementation was presented in February 2022.⁶⁵ In a further development, in July 2022, a draft national programme on the preservation and development of national traditions elaborated by the presidential administration was put forward.⁶⁶

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 have expressed fears 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.⁶⁷ 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.⁶⁸

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.⁶⁹ 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.⁷⁰

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, lawyers 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, lawyers 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 International Covenant on Civil and Political Rights (ICCPR).
- In accordance with the recommendations of media organisations and experts, revise the recently adopted Law on the Protection from Inaccurate (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.

ASSOCIATION

Problematic legal initiatives on civil society organisations (CSOs)

The civil society sector in Kyrgyzstan remains vibrant, with hundreds of CSOs carrying out activities in a range of different areas. However, it is of concern that there recently have been attempts 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, and thereby a worsening operating environment for them.

Following an initiative of several MPs, in June 2021, parliament passed a set of amendments to the Law on Non-Commercial Organisations (NCOs) and the Law on State Registration of Legal Entities, which were subsequently signed by the president.⁷¹ These amendments introduced **a new unjustified and discriminatory financial reporting scheme** for NCOs.⁷²

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 are discriminatory because they **only apply to NCOs**, not to religious associations, political parties, nor to state affiliated organisations 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.⁷³

Civil society representatives⁷⁴, foreign diplomats, and **international human rights experts have all 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”.⁷⁵

When the Law on NCOs was reviewed as part of the ongoing legal inventory, representatives of the Ministry of Justice **disregarded an assessment of an independent expert**, who concluded that the recent provisions on the new reporting scheme for NCOs were inconsistent with international standards. Thus, the government officials took further a recommendation to leave the law in question unamended, although most members of the sub-working group reviewing the law objected to this.⁷⁶

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**,⁷⁷ 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 do not have information about any NCOs which – to date -- would have been held accountable for failing to comply with the new reporting requirements.

It is also of concern that there have been new **attempts to re-initiate problematic draft legislation on “foreign agents”**. First initiated by a group of MPs in September 2013 and reintroduced in May 2014⁷⁸, this draft legislation drew heavily on the corresponding Russian 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. The draft legislation was widely criticised by civil society and international human rights bodies⁷⁹ 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. Although the draft legislation was not adopted in the end, the rhetoric used by its proponents during its consideration **fuelled mistrust and suspicion toward CSOs**.

At a parliamentary session in February 2022, Nadira Narmatova from the pro-government parliamentary faction “Ata-Zhurt Kyrgyzstan”, who was one of the MPs who put forward the previous draft legislation on “foreign agents”, **suggested resuming consideration of this legislation**. She argued that it 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”.⁸⁰ The parliament’s speaker subsequently instructed the secretariat of the law-making body to look into the MP’s proposal.⁸¹ 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 it.

Non-liberally oriented **activists have also made renewed calls for the adoption of “foreign agents” legislation**. In particular, two days before Narmatova’s statements in parliament, a group of pro-government activists called for the adoption of “foreign agents” legislation at a press conference organised in Bishkek with support from former MP Tursunbay Bakir uulu, another of the initiators of the previous draft legislation on this issue. The activists called for designating not only CSOs but also independent, foreign-funded media outlets as “foreign agents”, claiming that their coverage is “incorrect” or “one-sided”.⁸² The following day, a group of around 15 people held a rally in the capital, demanding that the independent outlets Kaktus.media, Kloop and Radio Azattyk be designated as “foreign agents”.⁸³

Harassment of CSOs and their leaders

As described above, verbal attacks on NGOs by decision-makers advocating for tightened control of NGOs, as well as their supports are of concern. Independent CSOs engaged in efforts to promote justice, human rights and the rule of law also remain at the risk of harassment, as illustrated by this case:

- 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.⁸⁴ 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.⁸⁵ 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.⁸⁶ 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 2022, thus when the elections already had taken place.⁸⁷ Using other channels, Kloop still managed to publish dozens of videos of violations that took place on election day. On election day, Kloop observers reported problems with obtaining copies of protocols of manual vote protocols, thus preventing them from comparing them with automatically tallied results.⁸⁸

CSO leaders also remain at the risk of persecution. The case of **Kamil Ruziev**, head of the human rights NGO “Ventus”, has been of concern since criminal charges were first brought against him two years ago in retaliation for his human rights work:

- Ruziev 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.⁸⁹ 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.**⁹⁰ 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, Ruziev remained subject to travel restrictions, leaving him unable to travel abroad to undergo treatment for his health problems.⁹¹

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.⁹²

As called for by the UN Special Rapporteur on the situation of human rights defenders⁹³, 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** and ensure that he is able to **carry out his work without further intimidation and harassment.**

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.⁹⁴ According to the prison service, the defender died of pneumonia, known as a serious complication of Covid-19.⁹⁵ As late as the day before the defender's passing, the prison service had insisted that Askarov was "doing well".⁹⁶

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.⁹⁷ 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, comprehensiveness and impartiality of the investigation.** Bir Duino and its lawyers have, among others, raised concerns about the failure of the SCNS to interrogate witnesses in the presence of Askarov's widow, Khadicha Askarova, and to investigate allegations of torture and discrimination of Askarov in prison prior to his death.⁹⁸

The authorities have also **continually failed to comply with the decision issued on Askarov's case by the UN Human Rights Committee** in 2016, to grant compensation to his family for the rights violations he suffered, and to posthumously ensure his legal rehabilitation, as called for by IPHR and partners.⁹⁹

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.¹⁰⁰

Revision of trade union law

On three occasions in 2021 (in March, June and October 2021), parliament voted to adopt **a new trade union law restricting trade union activities** in violation of international standards. Trade unions, human rights NGOs and the International Labour Organisation (ILO) all seriously criticised the law, in particular, for establishing a de-facto monopoly on trade union activity and allowing for interference into the internal affairs of unions.¹⁰¹ Each time, **President Japarov vetoed the law**, most recently in December 2021 after parliament failed to comply with his previous request to revise the law and agree on its wording with representatives of the government, trade unions and employers' associations.¹⁰² After three vetoes, the law was now longer subject to consideration by parliament.

In a separate process, as part of the ongoing inventory of the country's legislation, **draft amendments to the trade union law currently in force** have been elaborated with the participation of representatives of trade unions and employers' organisations, as well as independent experts.¹⁰³ According to information from the government, the draft amendments, which were put forward for public discussion in January 2022¹⁰⁴, are currently being agreed among different government bodies.¹⁰⁵ Trade union representatives have welcomed the opportunity to contribute to strengthening the relevant legislation through this process.¹⁰⁶

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 CSOs are able to carry out their work without undue interference; and take effective measures to investigate all instances of intimidation and harassment of CSOs, 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.

- Ensure that any new legislation on trade unions protects independent trade union activity in accordance with international standards and accurately reflects the views of trade union representatives and independent experts.

PEACEFUL ASSEMBLY

Legal protection of the right to freedom of assembly

The 2012 Law on Peaceful Assemblies¹⁰⁷ 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 and 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.

As part of the ongoing inventory of the country's legislation, the working group in charge recommended retaining the current law unchanged.¹⁰⁸

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.¹⁰⁹

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 at 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 or international law. For example, courts have argued that bans are needed 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.¹¹⁰ Typically exception from the bans has been made for state and municipal events, reflecting a discriminatory approach.

This year local courts have issued several **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 examples in the next section 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 Russian embassy. The ruling was upheld on appeal by Bishkek City Court and the Supreme Court.

Both civil society representatives and the Ombudsperson **criticised the ban as being contrary to the constitution and the country's international obligations**. For example, independent lawyer Saniya Toktogazieva expressed indignation that the embassy of a foreign country was "dictating to the country's law enforcement authorities to restrict constitutional rights".¹¹¹

Despite the criticism that the first ban generated, **new similar blanket bans were issued**. According to a press release issued by the Bishkek Department of the Ministry Interior, ahead of a planned peaceful protest march against Russia's actions in Ukraine on 2 April 2022, **several local courts sanctioned a decision by 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.¹¹² The relevant court decisions were not made public, but according to available information, also this time, **exception was made for official state and municipal events** held at Ala-Too Square, and **Gorky Park was indicated as an alternative, permissible venue** for holding peaceful assemblies. On the same day as the Ministry of Interior press release mentioned appeared, 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".¹¹³

Moreover, on 13 April 2022, Pervomaisky District Court in Bishkek **issued a new ruling, sanctioning a decision of local authorities to prohibit peaceful assemblies outside the Russian embassy**, the presidential administration, the parliament building and the SCNS headquarters, as well as on the central Ala-Too Square from 12 April to 1 September 2022. The court subsequently prolonged this ban until 1 December 2022.¹¹⁴ In a similar vein as for the previous bans, **an exception was made for official events** at Ala-Too Square, while **Gorky Park was designated as an alternative location** for holding peaceful protests.

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 the recent problematic court-imposed blanket bans** on holding assemblies described above: ¹¹⁵

- Based on 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”.¹¹⁶ 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 the by the president (see above) – until they were detained and taken to a local police station.¹¹⁷ 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.¹¹⁸ 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**. A local prosecutor reportedly ruled in July 2022 to impose disciplinary measures in relation to law enforcement officials who violated applicable legislation in this case.

In another worrying development, lawyer **Nurbek Toktakunov** was also detained in connection with the protest on 17 March 2022 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”.¹¹⁹ 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.¹²⁰ Thus, he was only released after serving out his sentence, A well-known human rights lawyer, Toktakunov has also repeatedly been subjected to other harassment, including surveillance by law enforcement authorities and threats received by unknown individuals.

Accountability for violence during October 2020 protests

The **exact circumstances of the October 2020 events**, which triggered a political crisis followed by the rise to power of Sadyr Japarov, **remain unclear**. During these events, peaceful protests against election results in Bishkek evolved into clashes between protesters and law enforcement authorities, resulting in that one person died and hundreds were injured, among whom were protesters, police and ambulance staff.¹²¹ In the days after the initial protests, new rallies took place in Bishkek, during which scuffles between Japarov's supporters and those of other political leaders, including former President Almazbek Atambayev, were reported.¹²²

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.¹²³ 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.¹²⁴

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. Journalists who were covering these events were subjected to a series of threats and attacks by both law enforcement officers and unknown perpetrators.¹²⁵ 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.¹²⁶

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.

- Investigate all threats and attacks against journalists covering the post-election protests in October 2020 and ensure accountability for the perpetrators.

¹ 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)

² Statements of preliminary findings and conclusions of International Election Observation Mission: https://www.osce.org/files/f/documents/6/5/505840_0.pdf

³ For example, he made such statements at a government meeting on 25 December 2021:

http://www.president.kg/ru/sobytiya/21587_prezident_sadur_ghaparov_na_zasedanii_kabmina_otchitalsya_o_prodelannoy_rabote_nachinaya_s_5_oktyabrya_2020_goda_po_nastoyashee_vremya

⁴ See interview given by Japarov to Radio Azattyk on 15 March 2021: https://rus.azattyk.org/a/sadyr-zhaparov-goneniy-na-politikov-i-zhurnalystov-otnyne-ne-budet/31152016.html?fbclid=IwAR0RYDBhwin4ozvYVz_TrF8edB3kbuBhju5fE0fwYy3wXhz1bfFbuwUyWU

⁵ <https://freedomhouse.org/country/kyrgyzstan/freedom-world/2022>

⁶ https://www.eiu.com/n/campaigns/democracy-index-2021/?utm_source=teg-website&utm_medium=press_release&utm_campaign=democracy-index-2021

⁷ <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2021>

⁸ The following table provides an overview of laws that are being reviewed as part of the inventory and the measures recommended and initiated in each case: <https://docs.google.com/spreadsheets/d/1HoncfA4Y4cBCiCccLm-4AczcV3OFiXwLUalwIBcPVzw/edit#gid=0>

⁹ The law is available here: <http://cbd.minjust.gov.kg/act/view/ru-ru/112367>

¹⁰ 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/>

¹¹ The decree is available at: <http://cbd.minjust.gov.kg/act/view/ru-ru/434782>

¹² See, for example, “Кыргызстан: журналистам угрожают из-за критики реформы Конституции”, 28 November 2020: <https://acca.media/kyrgyzstan-zhurnalystam-ugrozhayut-iz-za-kritiki-reformy-konstituczii/>

¹³ “«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/>

¹⁴ “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-zhurnalystov-i-politikov-ne-presleduyut-cto-zhaparov-rasskazal-azattyku/>

¹⁵ 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

¹⁶ Additional cases are described in the regular updates prepared by IPHR and LPF as part of their cooperation with the CIVICUS Monitor: <https://www.iphronline.org/kyrgyzstan-update-restrictive-false-info-and-ngo-laws-adopted-intimidation-of-government-critics.html>; <https://www.iphronline.org/kyrgyzstan-ongoing-concerns-over-restrictions-on-free-speech-civic-engagement.html>; and <https://www.iphronline.org/kyrgyzstan-update-restrictive-false-info-and-ngo-laws-adopted-intimidation-of-government-critics.html>

¹⁷ See Facebook post by Klara Sooronkulova, <https://www.facebook.com/100001543883725/posts/4455763491151736/>; and 24.kg, “МВД занимается прослушкой. Политики и юристы обратились к президенту”, 31 August 2021, https://24.kg/vlast/205585_mvd_zanimaetsya_proslushkoy_politiki_i_yuristy_obratilis_kprezidentu/

¹⁸ SABAR, “Скандал с прослушкой в Кыргызстане: начался тотальный контроль негодных властям?”, 16 September 2022, <https://cabar.asia/ru/skandal-s-proslushkoj-v-kyrgyzstane-nachalsya-totalnyj-kontrol-neugodnyh-vlastyam>

¹⁹ “Прослушка активистов. Омбудсмен обратился в Генпрокуратуру”, 7 October 2022:

https://24.kg/obschestvo/209636_proslushka_aktivistov_ombudsmen_obratilsya_vgenprokuraturu/

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- ⁶⁷ 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/>
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<http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282013%29030-e>

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https://24.kg/vlast/223480_nadira_narmatova_predlagaet_prinyat_zakon_obinostrannyih_agentah/,

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⁹⁹ See joint statement by Human Rights Watch, the Committee to Protect Journalists, Front Line Defenders, Human Rights Movement: Bir Duino-Kyrgyzstan, and IPHR: <https://www.iphronline.org/kyrgyzstan-a-year-on-demand-for-justice-for-azimjon-askarov-s-death.html>

¹⁰⁰ 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>

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¹⁰⁹ 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%2BjAdLiq1BraAZtN7InVybcI6InlhLWRpc2stcHVibGJiOi8vK094czBvMlI4b0VSNGNUtXFDK21BNG5jK3pvUWx1Nit1aHFVK29hVjZEUUR0UU5IV2xrMVICSGtQbHplSUdKZHRGUDZnd2JqdnRyYWZUcHRjdWE0U0E9PSIsInRpdGxlljoiQW5hbGl6X3Byb2VrdGFfS19maW5hbF8xMl8wMl8yMS5kb2N4Iiwibm9pZnJhbWUwOmZhbnHNILCJ1aWQwIiwiaWidHMioE2MTMwNTAyNjQxNzQsInl1IjoiNzEzMTc5MjE1MTYxMzA1MDI2NCJ9

¹¹⁰ 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/>

¹¹¹ 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/>

¹¹² The PR is available at: https://www.facebook.com/permalink.php?story_fbid=1060192354708782&id=375813536480004

¹¹³ https://www.instagram.com/p/Cb0Q9mXmVmc/?utm_medium=copy_link

¹¹⁴ “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/>

¹¹⁵ 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/>

¹¹⁶ From PR of Bishkek's Department of Interior, as quoted in 24.kg article:

https://24.kg/proisshestviya/229517_guvd_bishkeka_nazvalo_prichinu_zaderjaniya_mitinguyuschih_vpodderjku_ukrainyi/

¹¹⁷ As covered by Kloop 3 April 2022: <https://kloop.kg/blog/2022/04/03/vseh-uchastnikov-mitinga-protiv-putinizma-opravdali-iz-zatsutstviya-sostava-pravonarusheniya/>

¹¹⁸ See FIDH appeal, 25 March 2022: <https://www.fidh.org/en/issues/human-rights-defenders/kyrgyzstan-arrest-and-judicial-harassment-of-three-anti-war>

¹¹⁹ Available at: <https://www.facebook.com/toktakunov/videos/1026038348013704/>

¹²⁰ See more in IPHR statement, 26 March 2022: <https://www.iphronline.org/kyrgyzstan-release-wrongfully-detained-lawyer.html>

¹²¹ 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/>

¹²² See the previous footnote.

¹²³ 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>

¹²⁴ “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>

¹²⁵ See special IPHR-LPF update on the October 2020 crisis: <https://www.iphronline.org/post-election-protests-plunge-kyrgyzstan-into-crisis.html>

¹²⁶ See <https://twitter.com/CurrentTimeTv/status/1313164213221720065>;

<https://twitter.com/AKozhomuratov/status/1313166672161918976>