

(Translated from Russian)

**Summary of information regarding threats against human rights defender and lawyer
Kamilzhan Ruziev**

On 12 June 2019, Mr. K. Ruziev filed a statement with the prosecutor's office in Karakol requesting that measures should be taken against [REDACTED], an investigator of the Internal Affairs Department in the city of Karakol, who, exceeding his official authority, had threatened him with his service weapon on 10 June 2019 in the building of the Internal Affairs Department.

On the same day, the prosecutor's office of the city of Karakol registered the statement in the automated information system of the single registry of crimes and misdemeanors under article 321 (1) of the Kyrgyz Criminal Code, and the investigation was assigned to the Issyk-Kul Provincial Investigation Department of the State National Security Committee of Kyrgyzstan.

Also, on 14 June 2019, Mr. Ruziev filed a statement with the prosecutor's office in Karakol requesting that measures should be taken against [REDACTED], the investigator of the Internal Affairs Department in Karakol, for placing physical and psychological pressure on him to rescind the statement that he had previously written.

The same day, the Karakol city prosecutor's office registered that statement in the automated information system of the single registry of crimes and misdemeanors, under article 21 (1) of the Kyrgyz Criminal Code, and organization of the investigation was assigned to the Issyk-Kul Provincial Department of the State National Security Committee.

On 4 November 2019, Mr. Ruziev filed a statement with the Issyk-Kul Provincial Department of the State National Security Committee requesting that measures should be taken against [REDACTED], the investigator of the Internal Affairs Department in Karakol, for exceeding his authority and applying psychological pressure against him, with death threats.

On the same day, this fact was registered in the automated information system of the single registry of crimes and misdemeanors, under article 31 (1) of the Kyrgyz Criminal Code, and an investigation was initiated.

As part of the pretrial proceedings, the relevant expert examinations were assigned for Mr. Ruziev.

The conclusions of forensic psychiatric and psychological/psychiatric examination No. 9B/21 of victims of alleged violence, torture and ill-treatment found no signs of mental disorder in Mr. Ruziev; the psychological trauma suffered did not cause any mental disorders. The report also found that the subject's allegations of violence did not correspond with reality and it recommended that he should be examined, treated and rehabilitated by a psychotherapist, upon request.

The forensic medical examination concluded, when documenting the cases of torture and ill-treatment registered under No. 446/a, that the subject's allegations of the use of torture or ill-treatment were shown to be inconsistent by all the evidence (morphological characteristics of existing injuries, information on the medical documents submitted showing the results of clinical and diagnostic examinations, circumstances of the case, knowledge of regional practices of torture and ill-treatment) and did not correspond with reality.

In addition, because there were contradictions in witness testimonies, face-to-face questioning was carried out, the results of which failed to confirm that [REDACTED] had inflicted any bodily harm or had brought any physical or psychological pressure to bear.

In the light of the results of the investigation, the pretrial proceedings were terminated for lack of corpus delicti, on the basis of article 26 (1) (2) of the Kyrgyz Code of Criminal Procedure.

On 28 October 2021, the Prosecutor General's Office of Kyrgyzstan rescinded the termination orders and the case file was returned to the Issyk-Kul Provincial Department of the State National Security Committee for further investigation, where the case is currently under investigation.

Regarding the pretrial proceedings pending before the Karakol city court against Mr. Ruziev

During the investigation of the pretrial proceedings mentioned above against [REDACTED], a lawyer, repeatedly appealed on behalf of Mr. Ruziev to the investigating judge of the Karakol city court, asking him to recognize the illegal acts of, and failure to take action by, the Issyk-Kul Provincial Department of the State National Security Committee, including its refusal to recognize Mr. Ruziev as a victim in the pretrial proceedings described above and its handover to [REDACTED] of a notice of suspicion of the commission of crimes.

The investigating judge of the Karakol city court on 24 January 2020 issued rulings dismissing the complaints brought by [REDACTED] on behalf of Mr. Ruziev.

On 18 February 2020, the investigating judge of the Karakol city court rejected a request from Mr. Ruziev to restore the lapsed procedural period for filing an appeal with the Issyk-Kul provincial court against the above-mentioned ruling of the investigating judge of the Karakol city court issued on 24 January 2020.

Subsequently, on 2 March 2020, in order to justify the fact that procedural deadlines had been missed, Mr. Ruziev received a forged medical certificate from the Balalyk provincial family medical centre of Issyk-Kul Province, according to which from 24 January 2020 to 18 February 2020 he had reportedly been in outpatient treatment, for submission to the Issyk-Kul provincial court.

However, Mr. Ruziev's outpatient records contain no mention of his outpatient treatment or of a medical certificate issued on 2 March 2020.

Furthermore, Mr. Ruziev, knowing that the certificate of the provincial family medical centre dated 2 March 2020 was fake, submitted it on 3 March 2020 at the court hearing on the appeal to extend the missed procedural deadlines. Thus, by submitting a forged certificate to the provincial court, Mr. Ruziev misled the court, resulting in a decision in his favour.

Thus, by a decision of the Issyk-Kul provincial court of 3 March 2020, the decision of the investigating judge of the Karakol city court of 18 February 2020 was cancelled and the missed procedural deadlines for appealing against the decision issued on 24 January 2020 by the investigating judge of the Karakol city court were extended.

In addition, in order to justify the extension of the procedural deadlines, on 3 and 4 March 2020, Mr. Ruziev submitted the above-mentioned certificate to the Issyk-Kul provincial court for the court case file.

According to a response from the Issyk-Kul provincial family medical centre dated 5 March 2020, "the certificate issued to Mr. Ruziev on 2 March 2020 is considered invalid. When this certificate was issued, pressure was put on nurse K.T. A certificate is issued to workers for one day only when they apply to a health-care organization for one, but not from 24 January 2020 to 18 February 2020. For a long period, a temporary disability certificate must be issued."

In this regard, on 11 March 2020 the prosecutor's office of Issyk-Kul Province registered a case in the automated information system of the single registry of crimes and misdemeanors, under article 359 (2) of the Kyrgyz Criminal Code, on the intentional use by Mr. Ruziev of a false official document at the above-mentioned court sessions, and the investigation was assigned to the Issyk-Kul Provincial Investigation Department of the State National Security Committee.

On 29 May 2020, in accordance with article 98 of the Kyrgyz Code of Criminal Procedure, Mr. Ruziev was detained in the presence of counsel, [REDACTED], taken to the temporary detention facility of the Karakol city Internal Affairs Office and served with a

notice of the commission of a crime under article 359 (2) of the Kyrgyz Criminal Code (on four counts).

A decision of the investigating judge of the Karakol city court issued on 31 May 2020 recognized Mr. Ruziev's detention as lawful and justified, and a preventive measure in the form of house arrest was chosen.

The above decision was appealed by [REDACTED], Mr. Ruziev's counsel, to the Issyk-Kul provincial court, which ruled on 19 June 2020 that a preventive measure in the form of a written undertaking not to leave should be applied.

As a result of the investigation, on 18 September 2020, a criminal case was sent, in accordance with article 254 of the Kyrgyz Code of Criminal Procedure, to the Karakol city court for trial, against [REDACTED], the nurse of the provincial family medical centre, for committing a crime under article 359 (1) of the Kyrgyz Criminal Code, and against Mr. Ruziev, for committing a crime under article 359 (2) of the Kyrgyz Criminal Code. They are currently under consideration.

Regarding the withdrawal by the Issyk-Kul Provincial Department of the State National Security Committee of the investigation of the above-mentioned pretrial proceedings, its inaction and the failure to recognize Mr. Ruziev as a victim

These assertions were the subject of consideration by the courts. Specifically, [REDACTED], as counsel, and Mr. Ruziev made complaints to the investigating judge of the Karakol city court.

The investigating judge of the Karakol city court on 24 January 2020 and 18 February 2020 issued rulings dismissing [REDACTED] complaints on behalf of Mr. Ruziev.

Meanwhile, since December 2019 Mr. Ruziev has been filing repeated complaints (more than 22 complaints in all) to the investigating judge of the Karakol city court about the actions of the Issyk-Kul Provincial Department of the State National Security Committee and calling for its recusal.

When the investigating judge of the Karakol city court considered the above-mentioned complaints, considering the pretrial proceedings against [REDACTED], the judge of the Karakol court dismissed all the complaints filed by Mr. Ruziev.

Regarding psychological pressures by the Issyk-Kul Provincial Department of the State National Security Committee during the investigation of the above-mentioned pretrial proceedings

On 9 September 2020, a report was received from [REDACTED], a doctor at the Issyk-Kul provincial family medical centre, indicating how a medical examination form had been filled out for Mr. Ruziev, in accordance with the standards of the Istanbul Protocol. Mr. Ruziev indicated that he had been subjected to psychological pressure from certain employees of the Issyk-Kul Provincial Department of the State National Security Committee. Subsequently, the case file was sent to the military prosecutor's office of the Balykchy garrison for consideration on the merits.

On 28 September 2020, the military prosecutor's office of the Balykchy garrison registered this report and the case file in the automated information system of the single registry of crimes and misdemeanors, under article 143 (1) of the Kyrgyz Criminal Code, and began an investigation.

The conclusions of forensic psychiatric and psychological examination No. 03/21 of 14 January 2021 carried out in accordance with the Istanbul Protocol by the Kyrgyzstan Ministry of Health's National Mental Health Centre established that Mr. Ruziev was capable of correctly perceiving, recalling and reproducing what had happened. No signs were found of increased tendencies towards fantasy or mendacity. Suffering was caused owing to the arrest and detention at the holding facility and psychological pressure. The subject's state could be caused by the trauma described above or by many other factors connected with Mr. Ruziev's personal characteristics and his activity. His behaviour could be significantly influenced by such personality traits as a tendency to consider his condition in especially grave terms, aggressiveness, suspicion, a high level of personal anxiety and rigidity of

attitudes, which are strongly pronounced. Mr. Ruziev does not currently suffer from any mental disorders.

On 1 March 2021, based on the results of the investigation, the military prosecutor's office of Balykchy garrison decided to terminate the pretrial proceedings for lack of corpus delicti, on the basis of article 26 (1) (2) of the Kyrgyz Code of Criminal Procedure, since the author's assertions were not confirmed.

Regarding the detention of Mr. Ruziev in the Issyk-Kul Provincial Department of the State National Security Committee and his further detention at the Karakol holding facility

In the course of the pretrial investigation on the falsified medical certificate, the investigator of the Issyk-Kul Provincial Department of the State National Security Committee repeatedly served Mr. Ruziev with summonses for questioning and for the delivery of notices of suspicion of the commission of a crime. Mr. Ruziev unaccountably refused to appear. The relevant documentation was drawn up for the case.

In this regard, on 29 May 2020, an order was made for the arrest of Mr. Ruziev. In execution of this order, he was brought to the Issyk-Kul Provincial Department of the State National Security Committee, and in accordance with article 9 8 of the Code of Criminal Procedure, he was detained in the holding facility in Karakol city, in the presence of counsel, [REDACTED], in connection with direct testimony of witnesses [REDACTED] and [REDACTED] about the crime, and for failing to have identity documents on his person.

The suspect, Mr. Ruziev, was kept in the holding facility in Karakol until 31 May 2020, and during his stay an ambulance was summoned several times (at his request). No deterioration of his health was noted.

On 31 May 2020, Karakol city court issued a decision recognizing Mr. Ruziev's detention as lawful and justified, and it applied to him a preventive measure in the form of house arrest for a period of two months, i.e., until 29 July 2020.

A decision of the Issyk-Kul provincial court of 19 June 2020 upheld the decision of the first instance court recognizing Mr. Ruziev's detention as lawful and dismissed the appeal of Mr. Ruziev's counsel, [REDACTED]. The preventive measure applied to Mr. Ruziev in the form of house arrest was changed to a pledge not to leave.

Regarding the hunger strike, the failure to provide medication and necessary supplies while Mr. Ruziev was in the holding facility in Karakol and the inspection of the holding facility in Karakol by the prosecutor's office

On 29 May 2020, the Issyk-Kul provincial prosecutor's office, in execution of order No 93-P of the Prosecutor General's Office of Kyrgyzstan issued on 26 December 2018, conducted an unannounced inspection at the Internal Affairs Department holding facility in Karakol. No violations were found and no complaints or statements were received from the detainees, including Mr. Ruziev.

On 30 May 2020, the prosecutor's office of Karakol city conducted an inspection of the holding facility of the Karakol city Internal Affairs Department, during which a complaint was received from the detainee, Mr. Ruziev, about the acceleration of the examination of the legality of his detention in court, and a failure to provide medical assistance.

Regarding the failure to provide medical assistance, it was established that during Mr. Ruziev's stay at the holding facility, an ambulance was summoned several times (at his request). There was no deterioration of his health.

It should be noted that on 30 May 2020, staff of the Kyrgyz National Centre for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment carried out monitoring at the Karakol city Internal Affairs Department's holding facility, during which Mr. Ruziev commented that he was not given a warmer blanket and also added that he was refusing to take food.

Subsequently, a decision of the investigating judge of the Karakol city court, issued on 31 May 2020, recognized Mr. Ruziev's detention as lawful and justified, and a preventive measure in the form of house arrest was chosen.

Regarding the pressure and coercion brought by the Issyk-Kul Provincial Department of the State National Security Committee on Mr. Ruziev to sign certain documents for further hospitalization at a clinical hospital in Bishkek

Upon verification, these assertions by Mr. Ruziev were found to be unsubstantiated. It should be noted that, as part of the pretrial proceedings on the falsified medical certificate, the Issyk-Kul Provincial Department of the State National Security Committee issued a decision on 12 September 2020 granting an application from Mr. Ruziev for permission to travel to Bishkek to receive treatment, which Mr. Ruziev fails to mention in his numerous complaints.

Regarding the failure of Mr. Ruziev and his lawyer to familiarize themselves with the indictment and the case file of the pretrial proceedings

According to article 242 (3) of the Kyrgyz Code of Criminal Procedure, after the suspect, his counsel and the victim acquaint themselves with the case file, the investigator prepares an indictment stating that all the investigative activities have been completed and that the evidence is sufficient to send the case to court.

Also, under article 254 (1) of the Kyrgyz Code of Criminal Procedure, after approval of the indictment, the prosecutor ensures that the accused is provided with a copy of the indictment. A copy of the indictment is also given to the victim if he or she has requested it. The defendant's and victim's acknowledgements of receipt of copies of the indictment are included in the case file.

In this regard, in the criminal case, a copy of the indictment was served to Mr. Ruziev after its approval, in compliance with the requirements of the Kyrgyz Code of Criminal Procedure.

It should be noted that [REDACTED], a lawyer, and Mr. Ruziev were familiarized with the case file of the criminal case and did not introduce any requests or statements.

Regarding Mr. Ruziev's interrogation without counsel in the building of the Issyk-Kul Provincial Department of the State National Security Committee

On 28 May 2020, Mr. Ruziev was invited to appear by the investigator of the Issyk-Kul Provincial Department of the State National Security Committee so that he could carry out the investigation of the above-mentioned pretrial proceedings registered in relation to the former investigator, [REDACTED]. After that, at about 4:30 p.m., Mr. Ruziev was invited to the investigator's office for questioning in the pretrial proceedings registered in the automated information system of the single registry of crimes and misdemeanors relating to his use of a forged document (the certificate issued by the Issyk-Kul provincial family medical centre on 2 March 2020). After reviewing [REDACTED] report, Mr. Ruziev refused to testify and refused the services of a lawyer provided by the State under its guarantee of legal assistance. In this regard, he was served with a summons to appear at 6:00 p.m. of the same day with his counsel. However, Mr. Ruziev ignored the investigator's summons and did not show up.

Regarding the concealment from Mr. Ruziev, on the part of the Issyk-Kul Provincial Department of the State National Security Committee, of information about the start of the pretrial proceedings regarding the use of a fake medical document

According to article 149 (2) of the Kyrgyz Code of Criminal Procedure, the beginning of pretrial proceedings in criminal and misdemeanor cases is to be reported to the natural or legal person whose statement or report of the crime or misdemeanor was received. According to part 3 of the same article, the investigator or an authorized official of the investigation body is to notify the prosecutor of the beginning of pretrial proceedings within at most 24 hours, i.e., it is not mandatory to notify the person in respect of whom the pretrial proceedings have begun.

Regarding pretrial proceedings registered in the automated information system of the single registry of crimes and misdemeanors with respect to the author of the communication, Mr. Ruziev, on the commission of fraud

(1) In February 2020, [REDACTED] and [REDACTED] filed a written request with the Ombudsman of Kyrgyzstan calling for measures to be taken against Mr. Ruziev for fraud.

On 26 February 2020, the Internal Affairs Department of Issyk-Kul district registered this complaint in the automated information system of the single registry of crimes and misdemeanors, under article 204 (1) of the Kyrgyz Criminal Code, and the investigation was initiated.

(2) On 1 June 2020, [REDACTED] and [REDACTED] residents of Issyk-Kul Province, filed a written statement with the Issyk-Kul Provincial Department of the State National Security Committee calling for action to be taken against Mr. Ruziev for fraud.

On 2 June 2020, the above statements were registered by the Issyk-Kul Provincial Department of the State National Security Committee in the automated information system of the single registry of crimes and misdemeanors under article 204 (1) of the Kyrgyz Criminal Code (five pretrial proceedings).

(3) On 10 June 2021, [REDACTED] filed a statement with the provincial prosecutor's office calling for measures to be taken against Mr. Ruziev for fraud.

On 11 June 2021, the provincial prosecutor's office registered this communication in the automated information system of the single registry of crimes and misdemeanors, under article 204 (1) of the Kyrgyz Criminal Code, and the case file was sent to the Internal Affairs Department of Issyk-Kul Province for investigation.

All of the above-mentioned pretrial proceedings were initiated on the basis of statements from citizens who had been victims of Mr. Ruziev's illegal actions.

Taking into account the numerous submissions, and against the background of Mr. Ruziev's biased attitude towards the investigative units of the national security agencies, on 13 November 2020 the provincial prosecutor's office issued a decision transferring the pretrial proceedings registered in the automated information system of the single registry of crimes and misdemeanors under article 204 (1) (on fraud) of the Kyrgyz Criminal Code to the Internal Affairs Department of Issyk-Kul Province, for further investigation.

Based on the results of the investigation, the above-mentioned pretrial proceedings were terminated, on the basis of article 26 (2) (1) of the Kyrgyz Code of Criminal Procedure (for lack of corpus delicti); they were examined by the Issyk-Kul provincial prosecutor's office and found to be legal and justified.

According to information from the Kyrgyz National Centre for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. Ruziev repeatedly appealed to the Centre regarding violations of constitutional rights and freedoms by the offices of the prosecutor and the Issyk-Kul Provincial Department of the State National Security Committee, and with requests to strengthen the participation of prosecutors in his case.

On the basis of article 7 of the Act on the Kyrgyz National Centre for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, all of Mr. Ruziev's statements were sent to the Prosecutor General's Office of Kyrgyzstan.

According to reply No. 3 08–52/20 from the prosecutor's office of Issyk-Kul Province dated 19 June 2020, the decision of the investigating judge of Karakol city court dated 31 May 2020 recognized Mr. Ruziev's detention as lawful and justified. The provincial court upheld the decision.

According to information from the Office of the Ombudsman of Kyrgyzstan, Mr. Ruziev sent the Ombudsman 11 submissions in 2019, 18 in 2020 and 6 in 2021 claiming that he had been persecuted for legitimate human rights activities and the exercise of freedom of opinion and expression and that he had received death threats and had been subjected to arbitrary detention, cruel treatment and judicial persecution. The submissions were accepted

for consideration in a timely manner, and letters were sent to the relevant government agencies with requests to consider Mr. Ruziev's assertions, as follows:

- 21 to prosecutors' offices;
- 15 to the State National Security Committee;
- 1 to a judicial body;
- 3 to the Kyrgyz Ministry of Health;
- 5 to the Kyrgyz National Centre for the Prevention of Torture; and
- 3 to the Kyrgyz Ministry of Internal Affairs.

However, Mr. Ruziev's assertions were not confirmed. The citizen was given exhaustive replies on the results of the review and discussions were also held with him.

Despite the replies that he received, Mr. Ruziev addressed similar questions to the Ombudsman of Kyrgyzstan repeatedly.

Under the Act on the Procedure for the Consideration of Citizens' Submissions, repeated submissions (be they oral, written or electronic) that do not contain new assertions or newly discovered facts are not subject to consideration if there is already an exhaustive file of verifications and the citizens have been given replies as prescribed by law.

Also, according to information from the Supreme Court of Kyrgyzstan, the criminal case against Mr. Ruziev, accused of committing crimes under article 359 (2) of the Kyrgyz Criminal Code, was filed with the Karakol city court of Issyk-Kul Province on 18 September 2020. On 4 November 2020, the criminal case was suspended due to the appointment of a forensic examination. On 29 January 2021, the criminal case against Mr. Ruziev was renewed, and it is currently under consideration.

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