

(Translated from Russian)

Information regarding the arrest of B. Temirov and B. Nazarov

It has been established that, on 22 January 2022, [REDACTED] applied to the Bishkek Central Internal Affairs Department for action to be taken against an unknown person by the name of “Bolot Nazarov”, who had repeatedly encouraged her to use narcotic drugs (cannabis) near a yurt located at 52A Sukhomlinov Street in Bishkek and at an office located at 55 Logvinenko Street in Bishkek. On 22 January 2022, a criminal case (No. 03-051-2022-000013) was opened under article 287 (2) (1) of the Criminal Code of Kyrgyzstan in connection with the incident.

On 22 January 2022, as he was being arrested at the intersection of Frunze and Jumabek Streets, in Bishkek, Bolotbek Koichubaevich Nazarov managed to throw away an unknown substance, and a small plastic bag containing a plant-based substance with a distinct smell was found nearby on the asphalt and seized.

According to the examination report issued by the forensic service of the Bishkek Central Internal Affairs Department on 23 January 2022, the plant-based substance submitted for examination was a narcotic drug, namely, cannabis resin (hashish), and weighed 8.69 g without packaging.

According to the examination certificate issued by the National Drugs Centre under the Ministry of Health on 23 January 2022, Mr. Nazarov tested positive for the use of hashish.

On 23 January 2022, in accordance with article 96 of the Code of Criminal Procedure of Kyrgyzstan, Mr. Nazarov was arrested and placed in a temporary holding facility of the Bishkek Central Internal Affairs Department.

On the same day, he was charged with offences under articles 287 (2) 1 and 283 (1) of the Criminal Code and, as a preventive measure, travel restraints were imposed on him.

Also on the same day, Sverdlovsk District Court in Bishkek found Mr. Nazarov’s arrest to be legal and valid.

On 24 January 2022, as part of the criminal case, a forensic chemical examination was ordered to analyse the drugs seized from Mr. Nazarov.

According to the forensic expert’s report of 11 February 2022, the substance contained in the bag and submitted for examination was cannabis resin (hashish), a narcotic drug.

On 24 January 2022, a forensic medical examination was ordered in respect of Mr. Nazarov. According to report No. 45 of the National Centre for Forensic Medicine of 4 March 2022, Mr. Nazarov does not appear in the examination log.

On 31 January 2022, a forensic drugs examination was ordered in respect of Mr. Nazarov. The forensic expert’s report (No. 24) revealed that Mr. Nazarov had repeatedly used cannabinoids, with harmful effects.

On 15 March 2022, the period for completing the investigation of the case was extended to four months, or until 22 May 2022.

On 28 April 2022, the criminal case was referred to the Bishkek prosecutor's office for examination.

On 30 April 2022, the criminal case was referred to Sverdlovsk District Court with the indictment confirmed.

2. On 22 January 2022, during a search carried out in connection with criminal case No. 03-051-2022-000013 at a second-floor office located at [REDACTED], Bolot Mamatkasymovich Temirov voluntarily removed a small plastic bag from the back left pocket of his jeans. It contained a dark green substance smelling distinctly of wild-growing cannabis and weighing 7.79 g.

According to the examination report issued by the forensic service of Bishkek Central Internal Affairs Department on 23 January 2022, the plant-based substance that Mr. Temirov had voluntarily removed from his pocket, and which had been submitted for examination, was a narcotic drug – namely, cannabis resin (hashish) – weighing 7.77 g without packaging.

On 23 January 2022, in connection with the discovery of drugs on Mr. Temirov, a portion of criminal case No. 03-051-2022-000013 was made into a separate case.

On 23 January 2022, criminal case No. 03-051-2022-000014 was opened in connection with the incident on the basis of evidence of an offence contrary to article 283 (1) of the Criminal Code.

On 23 January 2022, Mr. Temirov was detained and taken to a temporary holding facility of the Bishkek Central Internal Affairs Department in accordance with article 96 of the Code of Criminal Procedure.

On the same day, he was charged with offences under article 283 (1) of the Criminal Code and, as a preventive measure, travel restraints were imposed on him.

Sverdlovsk District Court found Mr. Temirov's detention to be legal and valid.

On 4 March 2022, the Bishkek procurator's office entrusted the investigation of criminal case No. 03-828-2022-000009, which had been opened on 11 February 2022 by the investigative department of the State Committee on National Security of Kyrgyzstan for the city of Bishkek on the basis of evidence of an offence contrary to article 379 (2) of the Criminal Code, to the investigative service of Bishkek Central Internal Affairs Department.

Circumstances of the case: According to information received from the representation office of the Ministry of Internal Affairs of Kyrgyzstan to the Ministry of Internal Affairs of the Russian Federation on 15 April 2022, Mr. Temirov was granted Russian citizenship on the basis of article 18 (a) of the Citizenship Act, No. 1948-1 of 28 November 1991, of the Russian Federation.

On 25 February 2014, Mr. Temirov was issued with a Russian passport, [REDACTED] by the Department of the Federal Migration Service of Russia for the city of Moscow, through its unit for Moskovsky Settlement. The status of the passport is "valid".

In violation of the procedure for acquisition of Kyrgyz citizenship, Mr. Temirov, a Russian citizen and holder of a Russian passport, [REDACTED], failed to inform officials of the passport unit of the internal affairs office of Ozgön District, Osh

Province, under the Ministry of Internal Affairs, that he was a Russian citizen, his aim being to obtain a Kyrgyz passport illegally. On 11 July 2008, in violation of the procedure for acquisition of Kyrgyz citizenship, Mr. Temirov, a citizen of another State, knowingly provided a forged document to the aforementioned passport unit, namely, **military identify card** [REDACTED].

According to information received from the central department of the local military administration bodies under the State Committee on Defence of Kyrgyzstan, [REDACTED].

According to information provided by the central department of the local military administration bodies in document [REDACTED], the military registers maintained by the district and municipal military recruitment centres **do not show citizen Bolot Mamatkasymovich Temirov as having been called up for and having completed a period of military or alternative service.**

On 11 July 2008, on the basis of forged documents provided by Mr. Temirov, officials of the Özgön District passport unit processed an [REDACTED] for a first Kyrgyz passport for Bolot Mamatkasymovich Temirov, [REDACTED].

The following are mentioned in section 20 ("List of documents provided") of passport application [REDACTED]:

- Birth certificate [REDACTED]
- Birth register extract [REDACTED]
- Military identity [REDACTED]
- Parent's passport, [REDACTED]
- Statement of residence [REDACTED]

According to information provided by the State administration of Özgön District, Osh Province, in document [REDACTED], Bolot Mamatkasymovich Temirov, [REDACTED], was neither registered at an address in [REDACTED], nor had he actually lived in the village.

The full names of [REDACTED] appear in section 18 ("Officials"), along with signatures and an official stamp.

According to forensic handwriting analysis report [REDACTED] for a first or replacement passport, which consists of

two sheets, the section entitled “Sample of applicant’s signature” and section No. 21 (“Applicant’s signature”) were probably filled out by someone other than Bolot Mamatkasymovich Temirov.

In this way, by prior conspiracy with unidentified officials of the Özgön District passport unit and in violation of the legal requirements for the acquisition of Kyrgyz citizenship, Mr. Temirov was issued with a **first** Kyrgyz passport [REDACTED]

[REDACTED] with his residential address recorded as follows: house without number, [REDACTED].

[REDACTED], in view of the expiration date of the document, Mr. Temirov replaced the illegally obtained passport, [REDACTED].

On 18 February 2019, Mr. Temirov, having reported the loss of [REDACTED], was issued with a new passport, [REDACTED], by the passport and population registration unit of [REDACTED].

On 20 December 2019, Mr. Temirov used passport [REDACTED], to register the public foundation New Media with the Ministry of Justice. He is the current director of the foundation.

On 19 April 2022, in connection with this incident, Mr. Temirov was charged with an offence under article 379 (1), (2) and (3) of the Criminal Code.

On 30 March 2022, a portion of criminal case No. 03-828-2022-000009 was made into a separate case (No. **03-051-2022-000058**), which was opened on the same day on the basis of evidence of an offence contrary to article 379 (2) of the Criminal Code (**Knowingly using a forged document**).

Circumstances of the case: Mr. Temirov, a Russian citizen holding Russian [REDACTED] police department, failed to notify the officials of the Özgön District passport unit that he was a Russian citizen, his aim being to obtain a Kyrgyz passport illegally. On 24 July 2008, in violation of the procedure for obtaining an ordinary Kyrgyz passport, he knowingly provided a forged document to the passport unit in question, namely, **temporary identity card** [REDACTED] **by the Ministry of Internal Affairs (code 50-47)**.

According to information provided by the Population and Civil Registration Department under the Ministry of Digital Development in document No. 20-1-01-1/5736 of 25 March 2022, a Kyrgyz citizen temporary identity card [REDACTED] was issued on 19 September 2005 at the Nookat District passport unit (Ministry of Internal Affairs, code 50-40) **in the name of** [REDACTED]

On 24 July 2008, on the basis of forged documents provided by Mr. Temirov and by prior conspiracy with him, officials of Özgön District passport unit processed an application ([REDACTED]) for a **first** ordinary Kyrgyz passport for Bolot Mamatkasymovich Temirov, [REDACTED].

On the basis of application [REDACTED], an ordinary Kyrgyz passport, [REDACTED].

On [REDACTED], in view of the expiration date of the document, Mr. Temirov replaced the illegally obtained passport, [REDACTED], issued on [REDACTED], with [REDACTED] passport and population registration department. He continued to make illegal use of the passport for his own benefit.

On 19 April 2022, in connection with this incident, Mr. Temirov was charged with an offence under article 379 (1), (2) and (3) of the Criminal Code.

On **19 April 2022**, a portion of criminal case No. 03-828-2022-000009 was made into a separate case (**No. 03-051-2022- 000081**), which was opened on the same day on the basis of evidence of an offence contrary to article 378 (1) of the Criminal Code (**Illegal crossing of the State border**). On 19 April 2022, in connection with this incident, Mr. Temirov was charged with an offence under articles 20 and 378 (1) of the Criminal Code (**Illegal crossing of the State border**).

On 19 April 2022, in connection with all four episodes, Bolot Mamatkasymovich Temirov was charged with offences under articles 379 (1), (2) and (3), 20, 378 (1) and 283 (1) of the Criminal Code.

On 19 April 2022, criminal cases No. 03-828-2022-000009, No. 03-051-2022-000058, No. 03-051-2022-000081 and No. 03-051-2022-000014 were combined and assigned a single registration number (No. 03-051-2022-000014).

On 20 April 2022, Mr. Temirov was informed that the investigation in the criminal case had ended.

It should be noted that, between 20 and 25 April 2022, Mr. Temirov consulted the entire file relating to criminal case No. 03-051-2022-000014, with his lawyers R.U. Ashimbaev, B.R. Botobekov and B. Avtandil present, and received copies in seven volumes.

The investigations in criminal cases No. 03-051-2022-000014 and No. 03-051-2022-000013 ended on 25 April 2022 and 28 April 2022, respectively. In accordance with the procedure set out in article 263 of the Code of Criminal Procedure, the criminal cases were referred to Sverdlovsk District Court for consideration on the merits.

Article 95 of the Constitution provides that judges are independent and subordinate only to the Constitution and the law. No one has the right to demand a judge to report on a specific court case, and all interference in the administration of justice is prohibited.

In this connection, the Supreme Court notes that, during the proceedings, the defence may make direct use of the arguments set out in the communications from the Special Rapporteurs, which will be dealt with in accordance with the procedure prescribed by law.

At the same time, it should be noted that, if the parties disagree with the decisions of the first instance and appellate courts, they may lodge the appropriate cassational appeal with the Supreme Court in the manner prescribed by article 439 of the Code of Criminal Procedure, since a cassational court may review the decisions of the local courts in respect of Mr. Temirov and Mr. Nazarov for legality and validity only when handling such an appeal.

Reply from the Supreme Court of Kyrgyzstan regarding Mr. Temirov

On 28 September 2022, Sverdlovsk District Court found Bolot Temirov not guilty of the offences under articles 283 (1), 20 and 378 (1) of the Criminal Code and acquitted him on the basis of article 27 (1) (2), of the Code of Criminal Procedure, as there was no evidence that an offence had been committed.

Mr. Temirov was found guilty of the offences under article 379 (2) of the Criminal Code, although no penalty was imposed, as the statute of limitations had expired.

The travel restraints imposed as a preventive measure were lifted.

On 23 November 2022, the verdict delivered by Sverdlovsk District Court on 28 September 2022 was overturned by the judicial board for crimes and infractions of Bishkek City Court and, in accordance with article 70 of the Criminal Code, Mr. Temirov was deported from Kyrgyzstan.

The Ministry of Internal Affairs of Kyrgyzstan and the Border Service under the State Committee on National Security were responsible for enforcing the deportation portion of the verdict in respect of Mr. Temirov.

No further changes were made to the verdict.

The State prosecutor's appeal was partially upheld.

The lawyers' appeal was dismissed.

According to Moscow District Court, Chüy Province, the criminal case against Mr. Nazarov, who has been charged under article 206 (2) (1) of the Criminal Code, is due to be heard on 27 December 2022.

Information relating to criminal case No. 03-051-2022-000014 (circumstances of Mr. Temirov's deportation from Kyrgyzstan)

On 22 January 2022, during a search carried out in connection with criminal case No. 03-051-2022-000013 at a second-floor office located at [REDACTED], Bolot Mamatkasymovich Temirov, born on [REDACTED], voluntarily removed a small plastic bag from the back left pocket of his jeans. It contained a dark green substance smelling distinctly of wild-growing cannabis and weighing 7.79 g.

According to the examination report (No. 31) issued by the forensic service of Bishkek Central Internal Affairs Department on 23 January 2022, the plant-based substance that Mr. Temirov had voluntarily removed from his pocket, and which had been submitted for examination, was a narcotic drug – namely, cannabis resin (hashish) – weighing 7.77 g without packaging.

On 23 January 2022, in connection with the discovery of narcotic drugs on Mr. Temirov, a portion of criminal case No. 03-051-2022-000013 was made into a separate case.

On 23 January 2022, criminal case No. 03-051-2022-000014 was opened in connection with the incident on the basis of evidence of an offence contrary to article 283 (1) of the Criminal Code.

On 23 January 2022, he was charged with an offence under article 283 (1) of the Criminal Code and, as a preventive measure, travel restraints were imposed on him.

On 4 March 2022, the Bishkek procurator's office entrusted the investigation of criminal case No. 03-828-2022-000009, which had been opened on 11 February 2022 by the investigative department of the State Committee on National Security of Kyrgyzstan for the city of Bishkek on the basis of evidence of an offence contrary to article 379 (2) of the Criminal Code, to the investigative service of Bishkek Central Internal Affairs Department.

Circumstances of the case: According to information received from the representation office of the Ministry of Internal Affairs of Kyrgyzstan to the Ministry of Internal Affairs of the Russian Federation on 15 April 2022, in document No. 155, Mr. Temirov was granted Russian citizenship on the basis of article 18 (a) of the Citizenship Act, No. 1948-1 of 28 November 1991, of the Russian Federation.

On 25 February 2014, Mr. Temirov was issued with a Russian passport, [REDACTED], by the Department of the Federal Migration Service of Russia for the city of Moscow, through its unit for Moskovsky Settlement. The status of the passport is "valid".

In violation of the procedure for acquisition of Kyrgyz citizenship, Mr. Temirov, a Russian citizen and holder of a Russian passport, [REDACTED], issued on [REDACTED], failed to inform officials of the passport unit of the internal affairs office of Ozgön District, Osh Province, under the Ministry of Internal Affairs, that he was a Russian citizen, his aim being to obtain a Kyrgyz passport illegally. On 11 July 2008, in violation of the procedure for acquisition of Kyrgyz citizenship, Mr. Temirov, a citizen of another State, knowingly provided a forged document to the aforementioned passport unit, namely, military identify card [REDACTED] combined municipal military recruitment centre.

According to information received from the central department of the local military administration bodies under the State Committee on Defence of Kyrgyzstan, military identity card [REDACTED]

[REDACTED] was issued on [REDACTED]

[REDACTED] born [REDACTED]

According to information provided by the central department of the local military administration bodies in document [REDACTED], the military registers maintained by the district and municipal military recruitment centres do not show citizen Bolot Mamatkasymovich Temirov as having been called up for and having completed a period of military or alternative service.

[REDACTED], on the basis of forged documents provided by Mr. Temirov, officials of the Özgön District passport unit who were not identified during the investigation processed an application ([REDACTED] [REDACTED]) for a first Kyrgyz passport for Bolot Mamatkasymovich Temirov, [REDACTED].

The following are mentioned in section 20 (“List of documents provided”) of passport [REDACTED]:

- Birth certificate [REDACTED]
- Birth register extract [REDACTED]
- Military identity card [REDACTED]
- Parent’s passport, [REDACTED]
- Statement of residence [REDACTED]

According to information provided by the State administration of Özgön District, Osh Province, in document No. 01-13/573 of 17 March 2022, Bolot Mamatkasymovich Temirov, [REDACTED], was neither registered at an address in the village of [REDACTED], Osh Province, nor had he actually lived in the village.

The full names [REDACTED] appear in section 18 (“Officials”), along with signatures and an official stamp.

According to forensic handwriting analysis No. 002264/01 of 13 April 2022, it was established that, in passport application [REDACTED] of [REDACTED], which consists of two sheets, the section entitled “Sample signature of the applicant” and in section No. 21, “Signature of the applicant”, were likely completed not by Mr. Temirov but by another person.

In this way, by prior conspiracy with unidentified officials of the Özgön District passport unit and in violation of the legal requirements for the acquisition of Kyrgyz citizenship, Mr. Temirov was issued with a first Kyrgyz passport [REDACTED], with his residential address recorded as follows: house without number, village of [REDACTED].

On 17 May 2018, in view of the expiration date of the document, Mr. Temirov replaced the illegally obtained passport, [REDACTED].

On [REDACTED], Mr. Temirov, having reported the loss of passport [REDACTED], was issued with a new passport, [REDACTED] by the passport and population registration unit of [REDACTED].

On 20 December 2019, Mr. Temirov used passport [REDACTED], to register the public foundation New Media with the Ministry of Justice. He is the current director of the foundation.

On 19 April 2022, in connection with this incident, Mr. Temirov was charged with an offence under article 379 (1), (2) and (3) of the Criminal Code.

On 19 April 2022, in connection with this incident, Mr. Temirov was charged with an offence under articles 20 and 378 (1) of the Criminal Code (Illegal crossing of the State border).

On 19 April 2022, the criminal cases were combined and assigned a single registration number (No. 03-051-2022-000014).

On 26 April 2022, in document No. 30/3-397, the criminal case was referred to the Bishkek procurator's office for examination and onward referral to the court with the appropriate jurisdiction.

On 29 April 2022, in document No. UG-34, the Bishkek procurator's office referred the case to Sverdlovsk District Court as the court with the appropriate jurisdiction.

On 28 September 2022, Sverdlovsk District Court found Mr. Temirov not guilty of the offences with which he had been charged under articles 283 (1), 20 and 378 (1) of the Criminal Code and acquitted him on the basis of article 27 (1) (2) of the Code of Criminal Procedure, as there was no evidence that an offence had been committed.

Mr. Temirov was found guilty of the offences under article 379 (2) of the Criminal Code, although no penalty was imposed, as the statute of limitations had expired.

The State prosecutor disagreed with the verdict of Sverdlovsk District Court and, on 28 September 2022, filed an appeal to have it overturned, to impose on Mr. Temirov a punishment within the range of the penalties prescribed for the offences with which he had been charged and to address the question of Mr. Temirov's deportation from Kyrgyzstan in accordance with article 70 of the Criminal Code.

Mr. Temirov's lawyer disagreed with the appeal in question and filed an objection to have it dismissed. He also lodged an appeal against the prosecution case.

On 23 November 2022, the judicial board for crimes and infractions of Bishkek City Court ordered that the verdict delivered by Sverdlovsk District Court of 28 September 2022 should be changed and that, in accordance with article 70 of Criminal Code, Mr. Temirov should be deported from Kyrgyzstan in the manner prescribed by the international treaties to which Kyrgyzstan is a party and Kyrgyz law. The State prosecutor's appeal was thereby partially upheld and that of Mr. Temirov's lawyer dismissed.

The Ministry of Internal Affairs of Kyrgyzstan and the Border Service under the State Committee on National Security were responsible for enforcing the deportation portion of the verdict in respect of Mr. Temirov.

On the basis of the verdict of Bishkek City Court, in accordance with paragraph 29 of the Instructions on the deportation of foreign citizens and stateless persons from Kyrgyzstan, which were approved by Government Decision No. 186 of 26 March 2020, and guided by article 416 of the Code of Criminal Procedure (“Appeal decisions acquire legal force immediately”), Mr. Temirov was deported, at public expense and escorted by an internal affairs official, at 8 p.m. on 23 November 2022 on a flight from Bishkek to Moscow operated by Avia Traffic Company.

Ministry of Internal Affairs of Kyrgyzstan