

(Translated from Russian)

PERMANENT MISSION OF THE KYRGYZ REPUBLIC IN GENEVA

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ministry of Internal Affairs of Kyrgyzstan

Information on criminal case No. 03–051-2022–000014 (circumstances of the deportation from Kyrgyzstan of B. M. Temirov)

On 22 January 2022, as part of criminal case No. 03–051-2022–000013, during a search of an office located on the second floor at 55 Logvinenko Street, Bishkek, Bolot Mamatkasymovich Temirov, born on 25 November 1979, voluntarily took a plastic bag containing a substance of dark green color with a smell of cannabis, weighing 7.79 grams, out of the back left pocket of his jeans and handed it over to personnel on site.

According to investigation certificate No. 31 of 23 January 2022 of the Bishkek Department of Internal Affairs, the substance of plant origin voluntarily handed over by Mr. Temirov and presented for study is a drug – cannabis resin (hashish) – weighing 7.77 grams without packaging.

On 23 January 2022, the case file on the discovery of the drugs in Mr. Temirov's possession was transferred from criminal case № 03–051-2022–000013 to a separate investigation.

On 23 January 2022, criminal case No. 03–051-2022–000014 was initiated on this case, based on an offence under article 283 (1) of the Criminal Code of Kyrgyzstan.

On 23 January 2022, Mr. Temirov was charged with committing a crime under article 283 (1) of the Criminal Code of Kyrgyzstan and a pretrial restraining order was selected in the form of a written pledge not to leave the country.

On 4 March 2022, the Bishkek Procurator's Office transferred to the Investigative Service of the Bishkek Internal Affairs Department the investigation of criminal case No. 03–828-2022–000009, initiated on 11 February 2022, by the Bishkek Department of the State Committee on National Security, on the basis of an offence under article 379 (2) of the Criminal Code of Kyrgyzstan.

Circumstances of the case: According to the information from the Mission of the Ministry of Internal Affairs of Kyrgyzstan to the Ministry of Internal Affairs of the Russian Federation, ref. No. 155 of 15 April 2022, Mr. Temirov acquired Russian citizenship on the basis of paragraph article 18 (a) of Act No. 1948–1 of 28 November 1991 of the Russian Federation, the Act on Citizenship.

On 25 February 2014, Mr. Temirov received a passport as a citizen of the Russian Federation, series 4514 No. 547576 (status: "valid"), issued by the Moscow Department of the Federal Migration Service of the Russian Federation in Moskovsky settlement.

Mr. Temirov, as a Russian citizen holding a passport of the Russian Federation, [REDACTED] issued on 1 November 2007 by the Aprelevskoye municipal police station of Moscow Province in the Russian Federation, did not observe the procedure for obtaining the citizenship of Kyrgyzstan and failed to properly notify the officials of the passport department of the Uzgensky district Internal Affairs Department in Osh Province about his Russian citizenship, with the aim of illegally obtaining a Kyrgyz passport. On 11 July 2008, having violated the procedure for obtaining a Kyrgyz passport and as a citizen of another State, he intentionally submitted to the above-mentioned passport office a falsified military service identity document, [REDACTED] [REDACTED] dated 28 August 2001, issued by the Uzgensky municipal military commissar.

According to information from the Main Department of the local military management bodies of the State Committee for Defence Affairs of Kyrgyzstan, military

service identity document No. 024913 of series A dated 28 August 2001 was issued by the Uzgensky municipal military commissar in Osh Province, in the name of [REDACTED], born on [REDACTED], a native of [REDACTED] village in the Uzgensky district of Osh Province registered at the following address: Osh Province, Uzgensky district, [REDACTED].

According to the main directorate of the local military administrative bodies of the State Committee for Defence Affairs of Kyrgyzstan (reference No. 21/3–654 dated 14 March 2022), there is no record of Mr. Temirov in fixed-term military or alternative service in the military registration and enlistment records of the country's district (or municipal) military registration and enlistment offices.

On the basis of the falsified documents provided by Mr. Temirov on 11 July 2008 that went undetected by the investigation personnel of the passport department of Uzgendky district in Osh Province, a passport application form under No. 000001676404 was for the first time issued as justification for a Bolot Mamatkasymovich Temirov, born on 25 November 1979, to receive a passport.

Item 20 of the "List of submitted documents" for passport application No. 000001676404 of 11.07.2008 reads:

- certificate of Birth No. [REDACTED], dated 10 September 2007, issued by the Osh Municipal Civil Registry Office;
- birth certificate No. [REDACTED] dated 28 November 1979, issued by the Osh Municipal Civil Registry Office;
- military identity card No. [REDACTED], of 28 August 2001, issued by Uzgensky municipal military commissar;
- parent's passport [REDACTED], dated 25 September 1998, Ministry of Internal Affairs 50–47;
- certificate of residence [REDACTED] dated 30 August 2007, issued in Zarger.

According to the Uzgensky district State administration in Osh Province, outgoing communication No. 01–13/573 of 17 March 2022, there is no record of Bolot Mamatkasymovich Temirov, born on 25 November 1979 in Nichkesay village (Zerger) of Uzgensky district in Osh Province, having been registered or actually residing there.

Item 18, under the column "Officials", contains the names of [REDACTED], [REDACTED] and [REDACTED], signed and stamped.

According to handwriting analysis forensic report No. 002264/01 of 13 April 2022, in the application for passport No. 000001676405 of 24 July 2008 (on two pages), in the paragraphs labeled "Aryz beruununu ulgusu/Sample signature of the applicant" and paragraph 21, "Aryz beruununu kolu/Signature of the applicant", the signatures were probably not signed by Mr. Temirov, but by another person.

Thus, Mr. Temirov, in collusion with unidentified officials of the passport department of Uzgensky district of Osh Province, violated the legal requirements for Kyrgyz citizenship and was for the first time documented with a Kyrgyz passport as a citizen with a 2004 model passport No. [REDACTED], issued on 22 September 2008, issued on the basis of the issuance of an initial document with the following address as his residence: Nichkesay village, house without number, Uzgensky district, Osh Province.

On 17 May 2018, Mr. Temirov, due to the expiration date, replaced passport No. [REDACTED] series AN, which had been illegally obtained on 22 September 2008, with

a new passport, in the Alamudunsky district Passport and Population Registry Department, receiving passport No. [REDACTED].

On 18 February 2019, Mr. Temirov, reporting the loss of his passport No. [REDACTED] series ID, dated 17 May 2018, received a new passport, No. [REDACTED] series ID, in the Passport and Population Registry Department of Oktyabrskiy district in Bishkek.

On 20 December 2019, Mr. Temirov, presenting passport No. [REDACTED] series ID, issued on 18 February 2019, registered the "New Media" public foundation, whose director is currently Mr. Temirov himself, with the Ministry of Justice of Kyrgyzstan.

On 19 April 2022, Mr. Temirov was charged with committing a crime under article 379 (1), (2) and (3) of the Criminal Code of Kyrgyzstan.

On 19 April 2022, Mr. Temirov was charged with committing a crime under articles 20 and 378 (1) of the Criminal Code of Kyrgyzstan (Illegal crossing of the State border).

On 19 April 2022, the criminal cases were merged into a single proceeding and assigned a single registration number, No. 03–051-2022–000014.

On 26 April 2022, this criminal case was sent to the Procurator's Office in Bishkek under reference number 30/3-397 for examination and further transfer for judicial consideration.

On 29 April 2022 the Bishkek Procurator's Office sent it under reference No. UG-34 to the Sverdlovsky District Court of Bishkek for consideration.

On 28 September 2022, the Sverdlovsky District Court of Bishkek found Mr. Temirov not guilty of the charges of committing crimes under article 283 (1), article 20 (1) and article 378 of the Criminal Code and acquitted him on the basis of article 27 (1.2) of the Code of Criminal Procedure of Kyrgyzstan, considering that there was an absence of criminal elements in his actions.

He was found guilty of committing crimes under article 379 (2) of the Criminal Code but was not sentenced to any penalty, as the statute of limitations for criminal prosecution had elapsed.

The State prosecutor did not agree with the court's decision and filed an appeal to change its verdict issued on 28 September 2022 and to sentence Mr. Temirov in accordance with the penalties provided for the charges in question and to allow the deportation of the accused, Mr. Temirov, from Kyrgyzstan, in accordance with article 70 of the Criminal Code.

Disagreeing with the submission of the appeal, the lawyer for the defence filed an objection calling for the appeal to be left without satisfaction and also appealed against the arguments of the prosecution.

On 23 November 2022, the judicial board for criminal cases and misdemeanors of Bishkek Municipal Court issued a ruling to change the verdict of the Sverdlovsky District Court dated 28 September 2022, and in accordance with article 70 of the Criminal Code, decided to deport Mr. Temirov from Kyrgyzstan in the manner prescribed by international treaties and Kyrgyz law. The appeal of the public prosecutor was thus partially satisfied and the complaints issued by the defence lawyer in respect of the appeal were left without satisfaction.

The execution of the sentence in terms of deportation was entrusted to the Ministry of Internal Affairs and the Border Guard Service of the State Committee on National Security.

On the basis of the court's decision, in accordance with paragraph 29 of Instruction No. 186 on the deportation of foreign citizens and stateless persons outside Kyrgyzstan, approved by the Government of Kyrgyzstan on 26 March 2020, and guided by article 416 (Appeal decision becomes effective immediately) of the Code of Criminal Procedure, Mr. Temirov was deported, at the expense of the national budget of Kyrgyzstan, accompanied by an internal affairs officer, at 8 p.m. on 23 November 2022, on an Avia Traffic Company flight from Bishkek to Moscow.

Ministry of Internal Affairs of Kyrgyzstan