



**КЫРГЫЗ РЕСПУБЛИКАСЫНЫН
ЖЕНЕВА ШААРЫНДАГЫ
ТУРУКТУУ ӨКҮЛЧҮЛҮГҮ**

**ПОСТОЯННОЕ
ПРЕДСТАВИТЕЛЬСТВО
КЫРГЫЗСКОЙ РЕСПУБЛИКИ В
ЖЕНЕВЕ**

**THE PERMANENT MISSION OF THE
KYRGYZ REPUBLIC IN GENEVA**

№ 194/064/118

The Permanent Mission of the Kyrgyz Republic to the United Nations Office in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to the Letter No. AL KGZ 1/2024 dated 15 March 2024, has the honour to transmit the communication from the Government of the Kyrgyz Republic.

The Permanent Mission avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: as stated.



Geneva, 4 July 2024

**OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS
Geneva**

Translated from Russian

Consolidated information from the Kyrgyz Republic in response to the letter from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Working Group on Arbitrary Detention, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the situation of human rights defenders

Information concerning the search conducted at the offices of the 24.kg news agency, the arrest and questioning as witnesses of Asel Otorbaeva, Makhinur Niyazova and Anton Lymar, and the criminal investigation into the involvement of 24.kg in propaganda for war

On 8 August 2023, the 24.kg news agency published online an article under the headline "Now, my home is Ukraine – the commander of the Turan battalion on why he went to war".

On 15 November 2023, the Central Investigation Department of the State Committee on National Security opened criminal case No. 03-820-2023-000280 on the basis of evidence of an offence contrary to article 407 (1) of the Criminal Code (Propaganda for war) in connection with the publication by 24.kg of an interview with a citizen of Kyrgyzstan, [REDACTED], who is participating in the hostilities in Ukraine and is the subject of criminal case No. 03-828-2022-000039, opened by the investigating agency of the State Committee's main department for Bishkek.

According to the findings of a cross-disciplinary analysis conducted by experts in philology, linguistics and political sciences, the published material contains the following linguistic elements: propaganda to take up arms against the Russian Federation in the conflict in Ukraine; evidence of hostility on the part of persons from one country against another; elements that might lead to destabilization of the sociopolitical situation in Kyrgyzstan; references to military conflict between two countries, and so forth.

By a decision of 9 January 2024, the Pervomaisky district court in Bishkek granted the petition filed by [REDACTED], a senior investigator for especially important cases in the Central Investigation Department, seeking permission to conduct a search as part of the pretrial proceedings in case No. 03-820-2023-000280. Permission was given to search the offices of 24.kg, located at [REDACTED], Bishkek.

On 15 January 2024, on the basis of the decision of the Pervomaisky district court of 9 January 2024 giving permission to conduct a search, the Central Investigation Department searched the offices of 24.kg, located at [REDACTED], Bishkek.

According to the search report, dated 15 January 2024, the search began at 10.40 a.m. and ended at 1:27 p.m. During the search, the editor-in-chief, A.V. Lyamar, the office manager, [REDACTED], the director of 24.kg, A.E. Otorbaeva, a lawyer, [REDACTED], and other employees of the agency were present.

In addition, it should be noted that, before the search began, the editor-in-chief of 24.kg, A.V. Lyamar, was acquainted with the court decision permitting the search.

Those present did not make any comment to be taken down in the search report regarding the outcome of the investigative actions conducted, a fact reflected by the investigator in the report.

During the search, the following documents and items were seized: 21 processors, 4 laptop computers, 1 voice recorder, 2 memory cards, financial documents, 14 mobile telephones and the 24.kg official stamp. These items were returned to the director of 24.kg, A.E. Otorbaeva, by the Central Investigation Department on 2 April 2024.

On 15 and 17 January 2024, the following persons were questioned as witnesses in the criminal case, in the presence of counsel, [REDACTED], and [REDACTED]: the general director of 24.kg, A.E. Otorbaeva, the editor-in-chief, M.M. Niyazova, and A.V. Lyamar.

On 15 January 2024, the investigation into this criminal case was suspended on the basis of article 246 (1) (3) of the Code of Criminal Procedure; at present, pursuant to article 247 (1) of the Code, all necessary investigative actions are being carried out with a view to the objective and comprehensive investigation of all the circumstances of the case.

Information concerning the search conducted at the offices of Ait Ait Dese and Temirov Live and the homes of current and former employees, and their subsequent arrest and pretrial detention

On 30 December 2023, the Investigation Service of the Ministry of Internal Affairs received a report from the Ministry's Anti-Extremism and Illegal Migration Service stating that, while conducting online monitoring, it had become aware of content posted on the YouTube channels Ait Ait Dese and Temirov Live by user [REDACTED], who was engaged in disseminating various inaccurate information to discredit the State authorities, actions that might lead to mass disorder.

On 13 January 2024, the Investigation Service, in the light of the findings of a forensic-linguistic expert analysis, initiated criminal proceedings on the basis of evidence of an offence contrary to article 278 (3) of the Criminal Code.

On 16 January 2024, searches related to the previously cited content were conducted at the offices of the above-mentioned channels and in the residences of 11 persons; later on the same day, T. Asypbekov, A. Beishekeeva, A. Ishenbekov, S. Sultanaliev, [REDACTED], M. Kaparov, S. Akunbekov, M. Tajibek uulu, M. Tajibek kyzy, J. Turdaliev and A. Orozbekov were arrested pursuant to articles 96 and 97 of the Code of Criminal Procedure on suspicion of having committed an offence.

On 17 January 2024, members of the YouTube channels Ait Ait Dese and Temirov Live were charged with committing an offence under article 278 (3) of the Criminal Code, namely, incitement to mass disorder.

By a decision of 18 January 2024, the Pervomaisky district court in Bishkek granted the request filed by investigator [REDACTED], chief of the investigations team in the Investigation Service of the Ministry of Internal Affairs, for verification of the lawfulness and well-foundedness of a search carried out in criminal case No. 03-050-2024-000029. The search, conducted under exigent circumstances at the residence of A. Orozbekov, located at apartment [REDACTED], Bishkek, was declared lawful and well founded.

By a decision of 1 February 2024, the Pervomaisky district court granted the request filed by investigator [REDACTED], chief of the investigations team in the Investigation Service of the Ministry of Internal Affairs, for verification of the lawfulness and well-foundedness of a search carried out in criminal case No. 03-050-2024-000029. The search, conducted under exigent circumstances at a warehouse located at [REDACTED], Bishkek, was declared lawful and well founded.

By a decision of 1 February 2024, the Pervomaisky district court granted the request filed by investigator [REDACTED], chief of the investigations team in the Investigation Service of the Ministry of Internal Affairs, for verification of the lawfulness and well-foundedness of a search carried out in criminal case No. 03-050-2024-000029. The search, conducted under exigent circumstances at [REDACTED], Bishkek, was declared lawful and well founded.

In addition, on 17 January 2024, the court declared the arrest of members of the YouTube channels Ait Ait Dese and Temirov Live, as well as the searches conducted at their residences, lawful and well founded.

The searches were conducted pursuant to article 212 of the Code of Criminal Procedure, within the framework of an ongoing criminal case, in order to find items relevant to the case.

At the same time, the procurator's office for Bishkek conducted a check in relation to the delayed transfer of the accused persons to the pretrial detention centre (SIZO); no violations were identified.

On 12 March 2024, the preventive measure of pretrial detention imposed on the accused persons in the context of the criminal case was extended until 13 May 2024. However, the court changed the preventive measure imposed on J. Turdaliev to a restricted residence order and that imposed on S. Akunbekov and A. Orozbekov to house arrest.

Furthermore, on 8 April 2024, the court also changed the preventive measure imposed on [REDACTED], T. Asypbekov, S. Sultanaliev and M. Tajibek uulu to house arrest.

During the investigation, it became known that Ait Ait Dese and Temirov Live are not registered as media outlets in Kyrgyzstan and that M. Tajibek kyzy has no higher education at all and thus has no knowledge of journalism.

All investigative actions in the case were conducted solely in accordance with the provisions of national legislation.

As at 16 May 2024, the investigation into this criminal case had been completed. Based on the outcome, on 8 May 2024, the case, in which T. Asypbekov, A. Beishekeeva, A. Ishenbekov, S. Sultanaliev, [REDACTED], M. Kaparov, M. Tajibek uulu, M. Tajibek kyzy, A. Orozbekov and S. Akunbekov stand accused of committing offences under article 41 (2) and (4) and article 278 (3) of the Criminal Code and J. Turdaliev of committing offences under article 41 (4), article 278 (3) and article 209 (1) (2) of the Criminal Code, was referred to the Pervomaisky district court, where it is now being heard.

Information concerning the liquidation of the Kloop Media public foundation

Regarding the outputs of the Kloop Media public foundation, it was established on the basis of inquiries carried out into Kloop Media by the State Committee on National Security's main department for Bishkek that the website with the domain "Kloop.kg" conducts its work under the umbrella of Kloop Media, registered in 2006 with the Ministry of Justice, and that the materials published on the site and on social media are aimed at the covert manipulation of public opinion for the purposes of stirring up protest against the activities of the State authorities.

On 2 November 2021, the State Committee's main department for Bishkek registered the pretrial proceedings in relation to the outputs of Kloop Media (the news site Kloop.kg) under No. 03-828-2021-000202, with the acts involved – public calls for the seizure of power – being

provisionally classified as offences contrary to article 327 (2) (1) of the Criminal Code (as amended in 2017).

According to the findings of the forensic-psychological-psychiatric expert analysis of 11 November 2022, the outputs of Kloop Media contain instances of covert manipulation through the foisting on public opinion of negative trends that do not reflect reality and the stirring up of opposition to any undertakings of the current Government.

In addition, a forensic-psychological-psychiatric expert analysis was commissioned of additional materials collected and, on the basis of the results of that analysis of 29 March 2023, psychiatric experts concluded that, in certain outputs, "there are examples of the use of direct and indirect techniques designed to foster negative views of the policies of the current Government and the State programme as a whole"; that "negative attitudes are promoted with the purpose of turning public opinion away from generally accepted norms and standards"; and that "these outputs may lead not only to the growth of social and psychological tension in society, but also to the warping of popular perceptions of the current authorities".

According to the findings of a cross-disciplinary analysis of similar Kloop Media outputs conducted by experts in political sciences and linguistics, No. 001407 of 10 April 2023, an expert from the Forensic Analysis Service under the Ministry of Justice noted that the outputs "employ the technique of deliberately opposing factual information and subjective modes of judgment", "the communicative purpose of the article is to convince the addressees by means of conveying negative information" and "to persuade them of the need for a negative attitude towards ties with Russia".

Also according to the findings of the analysis, the materials provided contain statements "that may lead to ethnic enmity" and "are addressed to the public with the aim of engendering certain negative views in society". "There are statements containing propaganda regarding the inferiority of citizens of Kyrgyzstan in comparison with the Russian nation" and "there are statements that are of a hostile and humiliating nature in respect of citizens of Russian ethnicity", and so forth.

At the same time, analysis of the statute of Kloop Media showed that "the object of the Foundation's activities is the development of journalism in Kyrgyzstan through the achievement and realization of its goals and objectives, which include raising awareness among young people of sociopolitical and economic processes in Kyrgyzstan and providing them and other members of civil society with an information platform for the free expression of their opinions on sociopolitical and economic processes".

Thus, the activity in which Kloop Media was engaged, namely, disseminating information (a function of the media) is not mentioned in its statute; this constitutes implementation of activities going beyond the scope of the statute, a fact that is also confirmed by the testimony of the leading specialist of the Chui-Bishkek Department of Justice.

In accordance with the third paragraph of article 6 of the Media Act, dissemination of a media outlet's material is allowed after its registration. However, the State register of media outlets maintained by the Ministry of Justice does not list Kloop Media as a registered or re-registered media outlet or a media outlet that has ceased to operate.

Taking into account the facts set out above, the Bishkek procurator's office submitted to the Oktyabrsky district court in Bishkek an application for the liquidation of Kloop Media in connection with the implementation of activities going beyond the scope of its statute, in accordance with the second subparagraph of article 96 (2) of the Civil Code.

On 9 February 2024, by decision of the Oktyabrsky district court, the application by the Bishkek procurator's office was granted.

Dissatisfied with the decision, Kloop Media filed an appeal with the Bishkek city court, which is under consideration.

Information concerning the decision of the Ministry of Culture, Information, Sport and Youth Policy to block the website of the Kloop Media public foundation

On 7 September 2023, the Ministry of Culture, Information, Sport and Youth Policy received an application from the State Committee on National Security to take action against the website kloop.kg in accordance with the Act on Protection from Inaccurate (False) Information. The State Committee's application concerned two articles posted on kloop.kg: the first entitled "Imperial Kyrgyzstan: Why the Republic Supports Russia" and the second entitled "Politician Ravshan Jeenbekov states that he was tortured in SIZO-1".

The Ministry declined to consider the first article.

Concerning the second article, the Ministry adopted a decision on 7 September 2023 requiring the removal of the inaccurate (false) information from the website kloop.kg; the decision was transmitted to the Ministry of Digital Development for execution by the owner of the website within two working days.

A feature of law enforcement practice in relation to the Act on Protection from Inaccurate (False) Information is the prompt response of the competent State body in the field of information

to applications it receives when they concern material disseminated online that does not reflect reality or defames the honour, dignity or business reputation of another person.

Upon receipt of applications of this nature, the Ministry, within one working day, adopts a decision requiring the removal of the inaccurate (false) information, setting a deadline (of two or three working days) for the owner of the website or web page to execute the decision, and transmits the decision to the Ministry of Digital Development.

Within the specified period (of two or three working days), the website owner has the right to appeal the decision requiring the removal of the inaccurate (false) information to the Ministry of Culture, Information, Sport and Youth Policy through a pretrial procedure in accordance with the Act on the Principles of Administrative Activities and Administrative Procedures.

Thus, the above decision of 8 September 2023 was appealed by Kloop Media to the Ministry in accordance with the Act. The Ministry's Administrative Appeals Review Board held a hearing with the parties on 11 September 2023. During the hearing, the parties were given an opportunity to comment on the facts of the case. In addition, the parties were offered the chance to reach an amicable settlement of the case. However, they did not do so.

The Review Board's decision was issued on the same day, in the presence of all interested parties: the administrative appeal was dismissed and the administrative act complained of remained unchanged.

The arguments in the statement of claim that the adversarial principle was violated and that the rights of the owner of the website were restricted, in that the owner was allowed no access whatever to the proceedings in the case, are thus baseless.

The document drawn up by the National Centre for the Prevention of Torture on 5 September 2023 in SIZO-1 was not taken into account by the Ministry's Review Board, as the subject of the application by the State Committee on National Security was not the conditions of detention in the cells in SIZO-1, but rather the report concerning the statement by "the politician R. Jeenbekov that he was tortured in SIZO-1 on the instructions of the State Committee on National Security".

The Review Board, having considered the materials in the case, and having heard the parties, found that the editorial staff of kloop.kg did not take measures, before publication, to clarify the report with the State Committee's press service so that the facts contained in the article could be confirmed or refuted, and therefore, following its consideration of the administrative appeal, the

Review Board found no grounds to overturn the Ministry's decision requiring the inaccurate information on the website kloop.kg to be removed.

Furthermore, the Ministry's decision was not executed by Kloop Media within the deadline set, that is, the information was not removed by the website owner.

In accordance with paragraph 12 of the Procedure for appeals against the actions of the owner of a website or web page, removal of inaccurate (false) information and suspension of a website or web page in connection with the dissemination online of inaccurate (false) information, which was approved by Cabinet of Ministers Decision No. 204 of 8 April 2022, in the event that the owner of a website or web page fails to execute a decision by the competent State body in the field of information requiring the owner to remove inaccurate (false) information, the competent State body must, within one day, adopt a decision requiring the website hosting provider to suspend the operation of the website or web page within the deadline set, which decision must be transmitted to the competent State body in the field of communications.

The Ministry therefore adopted decision No. 12-3/8006 of 12 September 2023 requiring hosting/Internet providers and telecommunications operators to suspend the operation of the website kloop.kg for a period of two months.

Kloop Media filed an administrative claim with the administrative court in Bishkek requesting it to declare the decision of the Ministry of Culture, Information, Sport and Youth Policy in relation to Kloop Media invalid.

On 18 March 2024, the court, having considered the matter in an open hearing, decided to grant the administrative claim of Kloop Media and declared the Ministry's decision in relation to Kloop Media invalid.

Dissatisfied with the administrative court decision of 18 March 2024, the State Committee on National Security, on 17 April 2024, filed an appeal, which is currently under consideration.

Information concerning the measures taken to ensure that civil society and human rights defenders in Kyrgyzstan, including those working on anti-corruption issues, can exercise their rights to freedom of expression, peaceful assembly and association, and carry out their peaceful and legitimate activities without fear of intimidation, harassment, undue restrictions or reprisals

The rights to freedom of expression, freedom of speech and freedom of the press and the right to peaceful assembly are enshrined in the Constitution. Thus, under article 32 of the Constitution, everyone has the right to freedom of thought and opinion.

At the same time, under article 32 (4), advocacy of ethnic, racial or religious hatred, of gender or any other social supremacy and incitement to discrimination, enmity and violence are prohibited.

The right to freedom of peaceful assembly is established in article 39 of the Constitution, with the organizational arrangements and procedure for holding such assemblies to be determined by law.

In addition, under article 2 (2) of the Peaceful Assembly Act, the exercise of the right to freedom of peaceful assembly may not be restricted except as provided by law to protect national security, public order, public health or morals or the rights and freedoms of others. Restrictions imposed on the exercise of the right to freedom of peaceful assembly must be proportionate to the stated objectives.
