

**Mandates of 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**

REFERENCE: AL  
KGZ 4/2015:

22 December 2015

Dear Mr. Djusupov,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 24/5 and 25/18.

In this connection, we would like to bring to the attention of your Government information we have received concerning the ban imposed on Ms. **Mihra Rittmann**, director of Human Rights Watch in Bishkek, to enter the Kyrgyz Republic.

Ms. Mihra Rittmann is director of the Bishkek office of Human Rights Watch and Central Asia researcher. Ms. Rittman researches a wide range of human rights issues, primarily on Kazakhstan and the Kyrgyz Republic, including labour rights, freedom of peaceful assembly, freedom of association, and freedom of speech. **Human Rights Watch** (HRW) is a non-governmental human rights organization that works as part of a civil society movement to uphold human dignity and advance the cause of human rights for all. HRW opened a representative office in Bishkek, Kyrgyz Republic, in July 2013, having obtained registration from the Ministry of Justice in May 2012.

Staff of the representative office of HRW in Bishkek, including Ms. Rittmann, were subject of a previous communications to your Government, sent by the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association on 30 July 2015 (case number KGZ 2/2015). We regret that no response has yet been received to that communication, especially due to the concerns expressed that the denial of the renewal of a work permit to Ms. Rittman in June 2015 may have been connected to her legitimate and peaceful human rights work.

According to the information received:

On 2 December 2015, Ms. Mihra Rittmann arrived by airplane at Manas International Airport, Bishkek, at approximately 6.15 am. Upon arrival, she applied for a business visa to enter the Kyrgyz Republic. Soon after making her application, Ms. Rittmann was informed by a consular officer that she would not be permitted to enter the country. Ms. Rittmann saw the refusal-of-entry order signed by the duty officer of the Kyrgyz Republic border guard, which noted that she had been declared “persona non grata” and been accused of violating the Kyrgyz Republic’s migration law. There were no further details on the grounds for the imposed ban to enter the country.

Ms. Rittmann was later escorted to a transit area in the airport. At approximately 7.30 am, Ms. Rittmann was placed on a flight out of the Kyrgyz Republic.

Serious concern is expressed that the denial of Ms. Rittmann’s entry to the Kyrgyz Republic is directly related to her human rights work, in particular to her role as director at the Bishkek office of Human Rights Watch.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In connection with the above alleged facts and concerns, please refer to the **Reference to International Law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information on the legal grounds for the declaration of Ms. Mihra Rittman as a “persona non grata”, and the denial of her entry to the Kyrgyz Republic on 2 December 2015, and how these measures are compatible with the Government’s obligations under international human rights law.
3. Please kindly indicate what measures have been taken to ensure that human rights defenders, including those persons working at non-governmental organizations are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation, harassment or criminalization of any sort.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Finally, we wish to reiterate and support the outstanding request made by the Special Rapporteur on the situation of human rights defenders to your Excellency's Government with a view to confirming a mutually agreeable date for an official visit to the Kyrgyz Republic at the earliest convenience.

Your Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Mr. Djusupov, the assurances of our highest consideration.

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst  
Special Rapporteur on the situation of human rights defenders

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

We would like to refer to article 20 of the Universal Declaration of Human Rights (UDHR), as well as article 22 of the International Covenant on Civil and Political Rights, acceded to by Kyrgyzstan on 7 October 1994, which provide for the right to freedom of association.

Moreover, we would like to draw your Government attention to the principles enunciated by Human Rights Council resolution 24/5, and in particular operative paragraph 2, which “reminds States of their obligation to respect and fully protect the [right] of all individuals to... associate freely, online as well as offline... including human rights defenders... seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the [right] to freedom... of association are in accordance with their obligations under international human rights law”.

We would like to refer your Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 5 (b), which provides for the right to form, join and participate in non-governmental organizations, associations or groups;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.

Finally, we would like to refer to Human Rights Council resolution 22/6, which urges States to acknowledge publicly the important and legitimate role of human rights defenders in the promotion of human rights, democracy and the rule of law (OP 5).