

**Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the independence of judges and lawyers**

Ref.: AL KGZ 3/2025  
(Please use this reference in your reply)

14 July 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolutions 52/4, 51/8, 52/9 and 53/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged arbitrary detention and criminal prosecution of Ms. Rita Rahman, also known as Rita Karasartova, and of Ms. Kanyshay Mamyrkulova that appear to be linked to their peaceful human rights public advocacy and exercise of their freedom of expression online.**

Ms. **Rita Rahman** is a woman human rights defender and a prominent expert in civic governance. She is the leader of the human rights organisation and think tank "Institute of Civic Analysis" which monitors the transparency of the judicial system in Kyrgyzstan and provides independent legal analysis of various democratic governance topics. Ms. Rita Rahman was one of the first women human rights defenders in the Kyrgyz Republic to publicly report in the Kyrgyz language on challenges faced by the law enforcement and judicial systems in the country.

Ms. **Kanyshay Mamyrkulova** is a journalist who, in 2019, founded the information support agency 'MCA-TV'. She is also the founder and a presenter within the media project 'Public Discussion' and is a former General Director of the "Asman-TV Corporation". In recent years, she has worked as a freelance journalist and has been active on social media criticizing those in power and State policies.

We previously wrote to your Excellency's Government raising concerns of judicial persecution against journalists, human rights defenders, and critics of the Government sent on 30 July 2024 ([AL KGZ 2/2024](#)) and 15 March 2024 ([AL KGZ 1/2024](#)). We thank your Excellency's Government for its replies dated 27 September 2024 and 4 July 2024. Nonetheless, we remain concerned that several victims mentioned in these communications were found guilty and imprisoned and others who were acquitted continue to face restrictions on their freedom of movement.

According to the information received:

*Concerning the case of Ms. Rita Rahman*

On 14 April 2025, at approximately 9 p.m., Ms. Rahman was arrested by the Main Department of Internal Affairs (GUVD) of the Chui region, after at least 12 male police officers, including three armed and masked special forces police officers, allegedly conducted a house search of the woman human rights defender's home without a judicial sanction. During the search, it is reported that the officers seized all electronic devices belonging to Ms. Rahman and her children as well as all documents found on the premises. A defence lawyer reportedly arrived at the house of Ms. Rahman twelve minutes after the search had begun, after he was reportedly informed of the search by Ms. Rahman's colleagues. According to information received, the police reportedly invoked article 212 part 9 which allows for unsanctioned searches only in exceptional cases where there are real fears that the searched object can be hidden or used for criminal purposes or if a person wanted by the police may flee from justice. In such instances, under the Criminal Procedure Code, the police are obliged to inform the court so that it can verify the legality of the search. It is unclear whether this procedure was followed.

Ms. Rahman was reportedly not home at the time of the raid but was instead apprehended outside a shopping mall by a male police officer who allegedly seized the woman human rights defender's phone without a warrant and escorted her back to her home. Following the search, the woman human rights defender was then allegedly forced to get into the car of her defence lawyer, accompanied by a police officer who instructed the lawyer to drive to the Main Department of Internal Affairs (GUVD) of the Chui region.

Upon arrival at the station at 9 p.m. on 14 April 2025, Ms. Rahman was then reportedly interrogated for two hours in the presence of her lawyer.

According to the information provided, Ms. Rahman is accused of "preparation of a crime" and "the organisation of mass disorder accompanied by violence, pogroms, arson, destruction of property, use of firearms, explosives or explosive devices, or armed resistance to a representative of the authorities" under articles 36 and 278 of the Criminal Code of the Kyrgyz Republic. Article 278 is punishable by imprisonment for a term of five to ten years.

The charges against Ms. Rahman are reportedly based on an allegation that she was an accomplice of an organized crime group associated with a political activist for whom she posted a letter on her Facebook page on 14 April 2025. The letter was an apology made by the activist to his family for having risked their lives as a consequence of his activism and in pursuit of justice and the rule of law in the Kyrgyz Republic. Ms. Rahman had reportedly been asked to do so by the activist should anything happen to him or should he disappear.

Ms. Rahman was reportedly questioned about this letter during her interrogation by the GUVD who alleged that the letter had been published as "a signal for the start of the mass disorder/riots". According to the information received, the

interrogation largely focused on the woman human rights defenders' personal views and attitude towards the authorities and high-level State officials of the Kyrgyz Republic. The GUV D is also alleged to have unlocked Ms. Rahman's mobile, recording this in the protocol, and examined her messages including those exchanged with the aforementioned activist.

At 2 a.m. on 15 April 2025, five hours after Ms. Rahman's detention began rather than the three hours stipulated by law, the GUV D investigator issued a Resolution on Ms. Rahman's detention categorizing her status as a suspect for a period of 48 hours from the moment her detention began. According to the Resolution, the woman human rights defender was to be transferred to the temporary detention facility (IVS) of the Department of Interior of the Issyk-Ata District in the city of Kant which is located 25 kilometres from Bishkek.

Both Ms. Rahman and her lawyer were then reportedly asked to sign the Resolution in line with the Criminal Procedure Code which they did. According to the information received, however, this Resolution did not contain all of the required information as foreseen in article 97 part 2 of the Criminal Procedure Code, namely, the grounds and motives for Ms. Rahman's detention. Further, the GUV D investigator allegedly refused to show Ms. Rahman or her lawyer the existing case materials, claiming that there were classified documents in the file. The GUV D investigator also allegedly attempted to force the woman human rights defender to sign a written promise to respect the secrecy of the pretrial investigation thereby preventing her from sharing with the public any information related to her criminal case. Ms. Rahman and her lawyer reportedly refused to sign this document.

While still located at the GUV D, Ms. Rahman was reportedly subjected to a body search carried out by a male police officer. At approximately 3 a.m. on 15 April 2025, she was reportedly taken to the fourth national hospital in Bishkek for a medical examination in order to document any signs of ill-treatment as prescribed by the internal Regulations for placement of persons into IVS of the Ministry of Internal Affairs, before being brought to the IVS in Kant at approximately 6 a.m.

On 16 April 2025, Ms. Rahman was taken to the Sverdlovskiy District Court for her remand hearings. According to the GUV D investigator's motion before the court, Ms. Rahman "was part of an organized crime group and was involved in the preparation of explosives and recruitment of new members for the group in conspiracy with other human rights defenders and journalists".

This remand hearing lasted from 7 p.m. on 16 April 2025 until 1 a.m. on 17 April 2025. Only five or six close relatives and five of Ms. Rahman's lawyers were allowed to attend the hearing and media and other members of the public were forced to wait outside the courtroom. When asked by Ms. Rahman's lawyers to explain what exactly Ms. Rahman was being accused of, why these alleged wrongdoings warranted her detention, and whether any forensic expert examination of the seized documents and electronic gadgets had been completed, the GUV D investigator told the judge that there were secret materials in the case file and refused to show either the judge or Ms. Rahman's

lawyers the documents.

Ms. Rahman's lawyers also raised with the judge several other procedural violations that were committed prior to the remand hearing, including the failure by the investigative judge to adopt a Resolution accepting the case for judicial consideration, and the investigator's and the judge's failure to provide Ms. Rahman with an interpreter into the Kyrgyz language, as per the motions submitted by her. After the judge ignored Ms. Rahman's lawyers' concerns about the committed procedural violations, the lawyers motioned to recuse the judge. However, this motion was also rejected by the judge himself, and the remand hearing continued.

On 16 April 2025, the ruling of the investigative judge pronounced that Ms. Rahman's arrest was unlawful due to the committed violations of procedural safeguards foreseen by article 97 of the Criminal Procedure Code of the Kyrgyz Republic but was nevertheless justified. According to the information received, the judicial ruling from 16 April 2025 had ignored article 100 of the Criminal Procedure Code of the Kyrgyz Republic that requires judges to release people from detention if such detention is illegal due to the committed violations of article 97 of the Criminal Procedure Code. Despite this ruling, Ms. Rahman was remanded in pre-trial detention until 12 May 2025.

For the second remand hearing on 30 April 2025, Ms. Rahman was brought to the court by the police convoy of the GUV D of Bishkek. She was not handcuffed during the court hearing but was held behind metal grids without justification, despite not being accused of violent acts or posing a flight risk. The metal grids were surrounded by an all-male convoy, who actively obstructed the family members from taking photos/videos of Ms. Rahman, even though the national legislation does not prohibit such photographing or video recording prior and after the actual court session. The remand hearing lasted from 5 p.m. until 7 p.m. Only close relatives were allowed to be present whilst other members of the public and the media were forced to remain outside of the courtroom. The justification provided by the judge was that there was a lack of seats in the courtroom to accommodate the public and the media.

On 30 April 2025, the Sverdlovskiy District Court supported the motion of the investigator and the prosecutor to extend pre-trial detention on Ms. Rahman until 12 June 2025. During this second remand hearing, Ms. Rahman lawyers claimed that her remand custody was neither legal nor justified.

On 13 May 2025, upon appeal, the Bishkek City Court left unchanged the initial 16 April 2025 decision of the investigating judge of the Sverdlovskiy District Court that had found that arrest of Ms. Rakhman was illegal but nevertheless was justified. This appeal hearing was substantially delayed. It was held after the initial remand custody had been already extended on 30 April 2025 for an additional period of one month, thus effectively rendering the appeal null and void.

On 29 May 2025, upon second appeal, the Bishkek City Court's judicial panel which was comprised of three judges, rejected Ms. Rahman's lawyers' appeal

against the 30 April 2025 ruling of the Sverdlovskiy District Court. During this appeal, Ms. Rahman's lawyers reportedly requested to replace Ms. Rahman's custodial measure of restraint with an alternative non-custodial measure, such as a written undertaking not to leave, bail, electronic monitoring or house arrest. The prosecutor allegedly did not provide any substantiated replies to the legal arguments raised by Ms. Rahman's lawyers. During the remand hearing the investigator reportedly would not provide the woman human rights defender's legal team with any materials supposedly related to Ms. Rahman's case, claiming that the requested materials were with the forensic experts.

On 9 June 2025, Ms. Rahman's pretrial detention was reportedly extended until 12 July 2025, after the investigative judge at the Sverdlovskiy District Court ruled in favour of the motion submitted by the investigator of the Chui Region's Department of Internal Affairs, who justified the pretrial detention's extension by the necessity to conduct investigative activities. Each of the requests and complaints made by Ms. Rahman and her legal team were dismissed by the judge, reportedly, without proper justification.

For this hearing on 9 June 2025, Ms. Rahman was brought to the court from SIZO-1 for the court session scheduled for 5.30 p.m. She was allowed to confidentially confer with her lawyer. The hearing itself did not start until 7.15 p.m. and the judge claimed that the hearing was delayed because Ms. Rahman's lawyers could not be located, even if though they had reportedly been sitting in the court's corridor since 5 p.m. During the hearing, Ms. Rahman was again placed behind metal grids. Ms. Rahman's relatives and independent observers were allowed to attend the hearing. The court session lasted more than four hours.

Neither Ms. Rahman nor her lawyers were provided with a copy of the investigator's motion in advance of the hearing. Therefore, the session was suspended for 30 minutes after the judge granted Ms. Rahman's legal representative's request to give the lawyers time to familiarize themselves with the investigator's motion.

During examination of the investigator's motion and other presented files, Ms. Rahman's lawyers discovered that none of the materials were duly registered and processed by the court's chancellery as they lacked a court stamp confirming the date of their submission to the court, there was no required written order of the court's chair referring these materials to a concrete investigating judge, and no corresponding court order to confirm the acceptance of these materials for the court proceedings. These irregularities were flagged to the judge by Ms. Rahman's legal team, but they were nonetheless admitted.

During the court hearing, the police investigator confirmed that between 14 April 2025 until 9 June 2025 no investigative activity had been carried out into Ms. Rahman's case. According to article 115 part 3 of the Criminal Procedure Code *"in case of establishing during a court hearing of the fact of the lack of any investigative activities during the period of application of the pretrial detention as the restraint measure the judge is obliged to replace detention with a non-custodial measure of restraint"*. The investigative judge

and the prosecutor refused to take this into consideration.

On 19 June 2025, the Sverdlovskiy District Court held a hearing to review five complaints made by Ms. Rahman's lawyers regarding the investigators alleged failure to conduct any investigative activities during the continued pretrial detention of Ms. Rahman. Additionally, a complaint was made against the staff of the pretrial detention center who obstructed Ms. Rahman's contact with her family during her alleged placement in an unknown facility for four days to test for tuberculosis.

During this hearing, the court's convoy allegedly obstructed the work of journalists and video recording before the start of the hearing, reportedly acting on the direct order of head of the Department of Security and Convoy. The prosecutor and the investigator failed to appear in court. Ms. Rahman's lawyers motioned to recuse the judge due to the lack of impartiality, as the judge did not provide them with an opportunity to voice their objections. The judge dismissed all motions of the defense lawyers and without hearing the objections of the lawyers, postponed the court review of the lawyers' complaints until 27 June 2025.

According to the information received, right before her arrest on 14 April 2025, Ms. Rahman underwent serious dental surgery and still had stitches that needed to be removed in a specialized private dental clinic. Reportedly, on 23 April 2025, following requests from her defense lawyers, Ms. Rahman was taken to a private clinic to remove her stitches. Ms. Rahman also suffers from a series of chronic diseases which require ongoing medical treatment.

#### *Concerning the case of Ms. Kanyshai Mamyrkulova*

On 5 March 2025, an internal report of the Main Department of the State Committee for National Security (SCNS) addressed to the Main Department of Investigations of the SCNS allegedly stated that according to the available information on Facebook, the SCNS had noted a Facebook page under the username "Kanyshai Mamyrkulova" that was systematically publishing materials of a provocative nature targeting leaders of national State authorities, which had been forming grievances among users of the Internet community.

On 11 March 2025 at 12.00 a.m., a report was reportedly filed in the Registry of Recording of Information (ZHUI) by a senior operative officer of the GUV D which stated that "the GUV D received a proactive report from an operative officer of the Service of Countering Extremism and Illegal Migration of the Bishkek Main City Department of Internal Affairs (the GUV D) that during the monitoring of internet sites, Instagram application, Facebook and TikTok, he noted various protest expressions regarding the exchange of territories along the border between the Kyrgyz Republic and the Republic of Tajikistan. These protest expressions aim at misleading the citizens of the Kyrgyz Republic." The Report allegedly further stated that there was a probability of destabilization of social situation aimed at smearing of State authorities of the Kyrgyz Republic and intensification of political situation in the days preceding the planned state

visit of President of Tajikistan on 12-13 March 2025. This report allegedly served as the basis for screenshots of Ms. Mamyrkulova's social media posts to be submitted by the GUV D for the State-solicited complex religious and linguistic expert examination by a forensic expert of the State Forensic Service under the Ministry of Justice.

On 14 March 2025, the SCNS reportedly solicited a State-appointed forensic philological-linguistic expert review. The expert opinion concluded that the presented online materials contained linguistic characteristics aimed at the incitement of ethnic and inter-national enmity.

On the same date, 14 March 2025, the State Committee for National Security (SCNS) opened a criminal case under article 330 part 1 of the Criminal Code of the Kyrgyz Republic accusing Ms. Kanyshai Mamyrkulova of "actions aimed at inciting racial, ethnic, national, religious or interregional enmity (discord), humiliation of national dignity," as well as "propaganda of exclusivity, superiority or inferiority of citizens on the grounds of their attitude to religion, nationality or race, committed in public or through the mass media or the Internet" which is punishable by a fine of 1,000 to 2,000 indices or up to five years imprisonment.

On 19 March 2025, the Ministry of Interior reportedly launched a second investigation under article 278 part 3 of the Criminal Code of the Kyrgyz Republic accusing Ms. Kanyshai Mamyrkulova of "calls for active disobedience to the lawful demands of representatives of the authorities and for mass disorder, as well as calls for violence against the citizens" which is punishable of five to seven years imprisonment. This case was allegedly opened on the basis of the conclusions made by the forensic expert of the State Forensic Service under the Ministry of Justice appointed on 14 March 2025.

On 20 March 2025, at approximately 3 p.m., several male operative officers of the GUV D of Bishkek arrested Ms. Mamyrkulova in front of her apartment block. Ms. Mamyrkulova had allegedly been called by a man expressing interest in buying her apartment and came outside to greet the caller when she was arrested. According to information received, the arresting officers did not present an arrest warrant before allegedly forcibly removing Ms. Mamyrkulova and transferring her to the GUV D station.

At the GUV D station in Bishkek, Ms. Mamyrkulova was reportedly denied her right to call her family or contact her lawyer. She was reportedly neither informed of the charges against her nor her rights. From approximately 3.45 p.m. to 4.40 p.m. on the same date, 20 March 2025, Ms. Mamyrkulova was reportedly questioned as a witness without the presence of her lawyer. Allegedly, during this interrogation Ms. Mamyrkulova confirmed that the posts on 38 screenshots presented to her by the GUV D investigator during the interrogation were indeed written by her.

Ms. Mamyrkulova's lawyer was allowed to see her at approximately 5 p.m. that day. Shortly after, at 5.06 p.m., the woman human rights defender was charged of "calls for mass disorder" under article 278 of the Criminal Code of the

Kyrgyz Republic. Immediately after the charges were presented, Ms. Mamyrkulova was placed into a temporary detention facility of the Bishkek GUVV (IVS) in line with the issued Resolution of the detention by the GUVV investigator. This Resolution recorded her arrest as 3 p.m. of 20 March 2025. Before placing her into the IVS cell, the GUVV police officers took the woman human rights defender to the fourth national hospital where she underwent a medical examination. After the hospital, the GUVV officers took Ms. Mamyrkulova back to the IVS of the GUVV and she was placed in the IVS cell for 48 hours awaiting her remand hearing in court.

During this time, Ms. Mamyrkulova was not provided with the necessary hygienic items, which she required due to her severe [REDACTED] and other health conditions.

On 22 March 2025, Ms. Mamyrkulova appeared before the Sverdlovskiy District Court of Bishkek escorted by an all-male GUVV convoy. She was not handcuffed but stayed behind the metal bars during the hearing. The remand hearing lasted from 12.40 p.m. until 6 p.m., and was held behind the closed doors, without any reasonable justification provided by the judge. During this hearing, the Bishkek GUVV investigator filed a motion with the investigating judge of the Sverdlovskiy District Court of Bishkek to apply a custodial measure of restraint against Ms. Mamyrkulova until 19 May 2025. The GUVV investigator requested that the Court rule on the legality and justification of Ms. Mamyrkulova arrest that took place on 20 March 2025. The woman human rights defender's lawyer's request that the hearing be open to the public was denied due to the alleged 'secrecy of the investigation.' The lawyer's request to have the judge recuse himself was also denied.

The judge concluded that the arrest of Ms. Mamyrkulova was to be recognized as lawful and justified. The woman human rights defender was therefore sanctioned with two months pretrial detention until 19 May 2025.

On 26 March 2025, Ms. Mamyrkulova's lawyers submitted appeals to the Bishkek City Court requesting that this decision to recognize the legality and justification of the arrest of the woman human rights defender be overruled and that she be released.

On 9 April 2025, Ms. Mamyrkulova appeared before the Bishkek City Court which was presided by a panel of three judges (two male judges and one female judge). The judges rejected both appeals of lawyers and recognized the arrest and pre-trial detention of Ms. Mamyrkulova as lawful and justified. During this court hearing, Ms. Mamyrkulova was kept in a glass box, heavily guarded by an all-male convoy.

In parallel, on 9 April 2025, the investigative judge of the Sverdlovskiy District Court of Bishkek reviewed a complaint filed by Ms. Mamyrkulova herself in which she asked the court to recognize actions of the GUVV investigator as unlawful – namely, subjecting her to the interrogation on 20 March 2025 as a witness, rather than as a suspect. The complaint of Ms. Mamyrkulova was dismissed by the investigative judge. Ms. Mamyrkulova herself was not present

for this hearing.

On 17 April 2025, it is reported that the GUVV investigator made a request to the Sverdlovskiy District Court of Bishkek asking that the apartment of Ms. Mamyrkulova, where she has been residing together with her adult daughter, be used as collateral for potential fines that might be imposed.

Around 25 April 2025, the criminal case against Ms. Mamyrkulova was transferred to the Oktiabrskiy District Court of Bishkek. On 28 April 2025, Ms. Mamyrkulova's lawyer requested that this court review her pretrial detention and replace it with the non-custodial measure of restraint.

On 30 April 2025, a preliminary court hearing on the main case against Ms. Mamyrkulova was held in the Oktiabrskiy District Court of Bishkek. During this preliminary hearing, the judge considered the woman human rights defender's lawyers' motion to change the measure of restraint against Ms. Mamyrkulova. Her lawyer presented to the court several medical reports and certificates as evidence of grave health condition and serious chronic diseases of Ms. Mamyrkulova. Despite her severe health condition, as well as the presented documented proof of the upcoming wedding date of her only daughter scheduled for 24 May 2025, the judge denied the request to release Ms. Mamyrkulova from pretrial detention by replacing custodial restraint measure with an alternative one such as house arrest, written undertaking not to leave the city, electronic monitoring, or bail.

On 14 May 2025, Ms. Mamyrkulova was brought from the pre-trial detention center (SIZO-1) to the Oktiabrskiy District Court in Bishkek for the main hearing of her case. The hearing was not held due to the failure of the Oktiabrskiy District Prosecutor to appear, with only a verbal excuse provided that the prosecutor was otherwise occupied with vocational training.

On 21 May 2025, Ms. Mamyrkulova was again brought from SIZO-1 to take part in the scheduled court hearing. She was put behind the metal grids with heavy male convoy around it. At the beginning of the court session, Ms. Mamyrkulova's lawyers again resubmitted a motion to change Ms. Mamyrkulova's measure of restraint to a non-custodial one due to her poor state of health, and yet again provided the judge with relevant medical documentation. However, the judge again rejected the motion. This hearing was made open to the public and was attended by relatives, civic activists, NGOs, and representatives of OHCHR and Embassies who were allocated two short benches. The presiding judge also permitted the media to videorecord the court session, except for faces of the judge and the prosecutor. This hearing was again postponed when the forensic linguistic expert failed to appear for the hearing on the basis that he was allegedly summoned to the SCNS.

On 4 June 2025, Ms. Mamyrkulova appeared before the Oktiabrskiy District Court. During this hearing, Ms. Mamyrkulova's lawyers challenged the competence and impartiality of expert witnesses provide by the State including the State forensic linguistic expert. The woman human rights defender's lawyers argued that the posts authored by Ms. Mamyrkulova did not contain any content

that would constitute incitement to enmity or public calls for mass. Ms. Mamyrkulova's legal team also argued that the factual circumstances should be the decisive factor during the trial, and not vague probabilities projected by law enforcement or experts using.

On 17 June 2025, the trial was delayed until 26 June 2025 due to the failure of the State forensic linguistic expert to appear in court, and the failure of the prosecutor to ensure his attendance. As the judge did not officially open the court session, the defense lawyers were unable to file their motions, including regarding the release of Ms. Mamyrkulova under non-custodial pretrial restraint measures due to her serious health problems.

On 26 June 2025, the trial was delayed again until 30 June 2025 when the State forensic linguistic expert failed to appear in Court again. This was also the case on 30 June 2025.

On 3 July 2025, Ms. Mamyrkulova was sentenced to six years' imprisonment based on articles 278 and 330 of the Criminal Code, which was replaced by four years on probation. The woman human rights defender was ordered to remain under house arrest for 30 days until the sentence enters into legal force after which she will be required to check in at the probation office twice a month for four years. During the period in which she is under house arrest, Ms. Mamyrkulova is prohibited from posting on social media networks and from leaving her home between 10 p.m. and 6 a.m. Throughout her sentence, Ms. Mamyrkulova is also prohibited from publishing content online that is in opposition to public order and authority, travelling outside of the county, and is required to notify the probation authorities of any change of address and participate in the probation authority's programmes. If the woman human rights defender breaches these conditions, she may be remanded in custody.

Ms. Mamyrkulova's lawyers and the Prosecutor's Office have been given 30 days to appeal this sentence.

Without prejudging the accuracy of these allegations, we would like to express our concern regarding the arrest and pretrial detention of Ms. Rahman and Ms. Mamyrkulova, that appear to be directly connected to their work as woman human rights defenders and their legitimate exercise of freedom of expression. We are particularly concerned about allegations that Ms. Rahman was not informed of the charges against her or that she was being questioned as a suspect after having been led to believe she was a witness in an unspecified criminal investigation. Of further concern are the allegations that the Resolution of detention signed by Ms. Rahman and her lawyer did not contain all of the required information, namely the grounds and motives for the woman human rights defender's detention.

We are additionally concerned about the fact that Ms. Mamyrkulova was arrested and allegedly forcibly taken to the GUVB building after leaving her home under the impression that she was meeting someone interested in buying her apartment. We are similarly concerned about allegations that Ms. Mamyrkulova was denied access to her lawyer, that she was initially questioned as a witness without the presence of her lawyer or knowledge of the charges against her, and that she was denied the necessary

hygienic products required by her chronic health condition. We are also concerned about the alleged use of pretrial detention allegations that the judges hearing both cases appear to have consistently rejected numerous motions of the woman human rights defender's lawyers without providing justification.

We are further concerned about the growing trend of activists, bloggers and journalists in Kyrgyzstan who are facing criminal charges over social media posts critical of authorities. We are concerned that these cases are often based on vaguely defined Criminal Code's provisions, such as those organizing mass disorder, or public calls for "disobedience" to officials and mass disorder (article 278), public calls for the forceful seizure of power (article 327), and "incitement" to ethnic or other enmity (article 330). In most cases, charges rely exclusively or primarily on assessments by State-appointed forensic experts engaged by law enforcement and or the State Committee for National Security, some of whom lack the necessary qualifications to carry out such expert examinations. Such cases and practices create a profound chilling effect, deterring citizens from freely expressing their opinions or carrying out their work as journalists, lawyers, or social activists.

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

As 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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal and factual bases that would justify the arrest, pretrial detention and prosecution of Ms. Rahman and Ms. Mamyrkulova, including the justification for the classification of their actions as offences under 278 and article 330 of the Criminal Code of the Kyrgyz Republic. Further, please provide information on the necessity and proportionality of the form of pretrial detention prescribed despite multiple by the woman human rights defenders lawyers for non-custodial alternative measures of restraint.
3. Please indicate what measures are being taken to ensure the physical and mental health and wellbeing of Ms. Rahman and Ms. Mamyrkulova during their pretrial detention, especially given Ms. Rahman's recent surgery and her chronic conditions, and the existing [REDACTED] disease of Ms. Mamyrkulova.
4. Please indicate what measures are being taken to ensure that civil society and human rights defenders in Kyrgyzstan, including those that publicly express criticism of State authorities and their decisions, can exercise their rights to freedom of expression, peaceful assembly and association, and can carry out their peaceful and legitimate activities, including being independent monitors and public watchdogs, without fear of

intimidation, law enforcement and judicial harassment, undue restrictions or reprisals.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Matthew Gillett  
Vice-Chair on communications of the Working Group on Arbitrary Detention

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards: We would like to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by the Kyrgyz Republic on 7 October 1994, which guarantees the right to freedom of opinion and expression.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right "to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media". This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including "political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse" (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that "all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress" (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving "in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat" (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be "the least intrusive instrument among those which might achieve their protective function" (CCPR/C/GC/34, para. 34).

As stipulated by the Human Rights Council in its resolution 12/16, the following types of expression should never be subject to restrictions: (a) discussion of government policies and political debate; (b) reporting on human rights, government activities and corruption in government; (c) engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and (d) expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.<sup>1</sup> In the same resolution, the Council called upon States to refrain from imposing restrictions that are not consistent with article 19(3) of the Covenant. The Committee has also specifically recognized that article 19(2) protects the work of journalists and “includes the right of individuals to criticize or openly and publicly evaluate their Governments without fear of interference or punishment”.<sup>2</sup> As such, article 19(2) of the Covenant protects the holding and expression of opinions, including those that are not in line with government policy.

We would like to also remind your Excellency’s Government of Human Rights Council resolution 12/16 (A/HRC/RES/12/16), in which the Human Rights Council expresses its concern that violations of the rights to freedom of opinion and expression continue to occur, often with impunity, including arbitrary detention, torture, intimidation, persecution and harassment, threats and acts of violence, increased abuse of legal provisions on surveillance, search and seizure, and censorship against persons who exercise, seek to promote or defend these rights, including human rights defenders. In resolution 12/16, the Human Rights Council calls upon the States to respect and ensure the respect for these rights, take all necessary measures to put an end to violations of these rights, bring to justice those responsible and ensure that victims of violations have an effective remedy.

In this regard, as indicated by the Human Rights Committee, attacks against individuals for exercising their right to freedom of expression, including through arbitrary detention, torture, inhuman or degrading treatment or punishment, and enforced disappearance is incompatible with the ICCPR.

Regarding the allegations of arbitrary detention, article 9 of the ICCPR states that no one shall be subjected to arbitrary arrest or detention or deprived of his liberty except on such grounds and in accordance with such procedures as are established by law. As interpreted by the Human Rights Committee in its general comment No. 35, the notion of “arbitrariness” should not be equated with “against the law” but should be interpreted more broadly to include considerations of inappropriateness, injustice, unpredictability and due process, as well as considerations of reasonableness, necessity and proportionality (paragraph 12). According to the same General Comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression, is arbitrary.

In addition, the Working Group on Arbitrary Detention has established in its jurisprudence that preventive deprivation of liberty, as a precautionary and non-punitive measure, must also comply with the principles of legality, necessity and proportionality

---

<sup>1</sup> See also A/HRC/14/23, para. 81(j).

<sup>2</sup> *Marques de Morais v. Angola* (CCPR/C/83/D/1128/2002), para. 6.7.

to the extent strictly necessary in a democratic society. It may only proceed in accordance with the limits strictly necessary to ensure that the efficient development of investigations is not impeded and justice is not evaded, and provided that the competent authority substantiates and accredits the existence of the aforementioned requirements.

We would like to recall the recent [opinion No. 57/2024](#) adopted by the UN Working Group on Arbitrary Detention (WGAD) at its 101st session, 11-15 November 2024 concerning arbitrary detention of journalists in Kyrgyzstan.

In this Opinion, the WGAD recalled that it is a well-established norm of international law that pretrial detention is to be the exception and not the rule and that it should be ordered for as short a time as possible. Article 9(3) of the International Covenant on Civil and Political Rights (the Covenant) provides that the general rule is that persons awaiting trial should not be detained, but that release may be subject to guarantees to appear for trial and at any other stage of the judicial proceedings. It follows that liberty is recognized as a principle and detention as an exception in the interests of justice. Moreover, although the severity of the sentence faced is a relevant element in the assessment of the risk of absconding or reoffending, the need to continue the deprivation of liberty cannot be assessed from this purely abstract point of view, taking into consideration only the gravity of the offence and using stereotyped formulas, without carrying out any individualized assessment or considering alternative preventive measures.

In its Opinion, the WGAD also noted that “article 278 part 3 of the Kyrgyz Criminal Code (...), by criminalizing broad and vague concepts such as “disobedience” and “riots”, fails to meet the rigorous standards set by article 19(3) of the Covenant”. The accusations against the individuals appeared “to be based on their critical opinions, shared through social media. Criminal prosecution against these two individuals effectively equates dissent and public criticism with incitement to violence, a stance that contradicts international human rights standards”. “By misusing legal provisions to suppress dissent, the authorities appear to be stifling public discourse, which is essential for democratic governance and accountability. Thus, the impugned provision, as applied, has been wielded as a tool of political repression rather than as a legitimate means of maintaining public order”.

We would like to further remind your Excellency’s Government that the right to challenge the lawfulness of detention before a court, protected under article 9 of the ICCPR, is a self-standing human right and a peremptory norm of international law, which applies to all forms of arbitrary deprivation of liberty. In line with article 10 of the ICCPR, “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”.

Moreover, we would like to remind your Excellency’s Government of its obligations under article 14 of the ICCPR, according to which, in the determination of any criminal charge against him, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

Article 20(2) of the ICCPR prescribes that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Yet, the prohibition has a high threshold as it requires the

fulfilment of three components: a) advocacy of hatred; b) advocacy which constitutes incitement and c) incitement likely to result in discrimination, hostility or violence (A/67/357, paragraph 43). [The Six-Part Threshold Test](#) of the Rabat Plan of Action helps with determining which actions fall under the prohibition foreseen by article 20 of the ICCPR.

Article 21 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of peaceful assembly. It states that “[t]he right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law, and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others”.

The above listed articles of the ICCPR shall be read individually and together with article 2.3. of the ICCPR, which provides for the right to an effective remedy for every person whose rights contained in the Covenant have been violated.

We would like to further remind Your Excellency's Government of the duty of States to investigate and punish serious human rights violations, as established by the Human Rights Committee in its general comment No. 31, which asserts that failure to take the necessary measures to ensure the investigation and prosecution of such violations may in itself constitute a breach of human rights treaties (CCPR/C/21/Rev.1/Add.13, paras. 15-18). Impunity for such human rights violations can be an essential element contributing to their repetition.

Furthermore, in relation to the allegations that the woman human rights defenders were targeted due to their human rights work, we bring to your attention 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.

Finally, we would like to draw particular attention to the following provisions of the Declaration:

- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights;

- 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.